



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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June 26, 1997

CERTIFIED RETURN RECEIPT  
P 074 977 740

Gary Gray  
Genwal Resources, Inc.  
P.O. Box 1420  
Huntington, Utah 84528

Re: Proposed Assessment for State Violation No. N-97-39-3-1, Genwal Resources, Inc.,  
Crandall Canyon Mine, ACT/015/032, Folder #5, Emery County, Utah

Dear Mr. Gray:

The undersigned has been appointed by the Division of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector Steven J. Demczak, on May 20, 1997. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

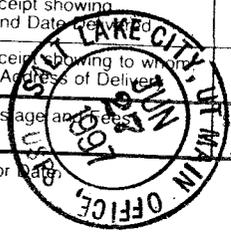
PS Form 3800, June 1985 TT DOGM 6/27/97 ACT/015/032

N-97-39-3-1 P 074 977 740

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

Sent to		<b>GARY GRAY</b>	
Street and No.		<b>GENERAL PO BOX 1420</b>	
P.O. State and		<b>HUNTINGTON UT 84528</b>	
Postage		5	
Certified Fee			
Special Delivery Fee			
Restricted Delivery Fee			
Return Receipt showing to whom and Date			
Return Receipt showing to whom, Date, and Address of Delivery			
TOTAL Postage and Fees		3.00	
Postmark or Date			



TT DOGM 6/27/97 ACT/015/032 N-97-39-3-1

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1.  Show to whom delivered, date, and address. (Extra charge)

2.  Restricted Delivery (Extra charge)

3. Article Addressed to:		4. Article Number	
<b>GARY GRAY GENERAL RESOURCES PO BOX 1420 HUNTINGTON UT 84528</b>		<b>P 074 977 740</b>	
5. Signature - Address		Type of Service:	
<b>X GARY GRAY</b>		<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature - Agent		Always obtain signature of addressee or agent and DATE DELIVERED.	
<b>X GARY GRAY</b>		8. Addressee's Address (ONLY if requested and fee paid)	
7. Date of Delivery			
<b>JUN 30 1987</b>			

PS Form 3811, Mar 1988 • U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

Assessment N-96-39-3-1

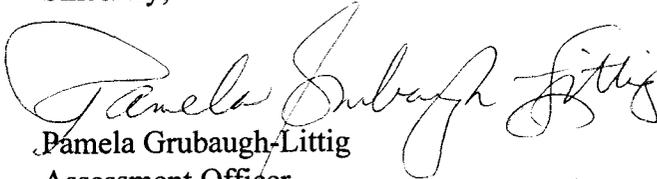
ACT/015/032

June 26, 1997

Page 2

**If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.**

Sincerely,

  
Pamela Grubaugh-Littig  
Assessment Officer

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Enclosure

cc: James Fulton, OSM  
Vicky Bailey, DOGM, w/o

O:\015032.CRA\ASSESSMN\9739-3-1.LTR

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS, AND MINING

COMPANY/MINE Genwal Resources, Inc./Crandall Canyon Mine NOV# N-97-39-3-1

PERMIT ACT/015/032 VIOLATION 1 OF 1

ASSESSMENT DATE 6/25/97 ASSESSMENT OFFICER Pamela Grubaugh-Littig

I. HISTORY MAX 25 POINTS

- A. Are there previous violations, which are not pending or vacated, which fall within 1 year of today's date.

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N-96-39-3-1</u>	<u>12/31/96</u>	<u>1</u>
<u>N-96-39-4-1</u>	<u>12/31/96</u>	<u>1</u>

1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted

**TOTAL HISTORY POINTS** 2

II. SERIOUSNESS (EITHER A OR B)

NOTE: For assignment of points in Parts II and III, the following apply:

- Based on the facts supplied by the inspector, the Assessment Officer will determine within each category the violation falls.
- Beginning at the mid-point of the category, the Assessment Officer will adjust the point up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? B

A. EVENT VIOLATIONS MAX 45 POINTS

1. What is the event which the violated standard was designed to prevent?
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

**ASSIGN PROBABILITY OF OCCURRENCE POINTS** 0

**PROVIDE AN EXPLANATION OF POINTS**

3. What is the extent of actual or potential damage?

RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

**PROVIDE AN EXPLANATION OF POINTS**

B. HINDRANCE VIOLATION MAX 25 POINTS

1. Is this a potential or actual hindrance to enforcement?

RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 4

**PROVIDE AN EXPLANATION OF POINTS**

This is a potential hindrance to enforcement.

TOTAL SERIOUSNESS POINTS (A OR B) 4

III. NEGLIGENCE MAX 30 POINTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE: or was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

ASSIGN NEGLIGENCE POINTS 6

**PROVIDE AN EXPLANATION OF POINTS**

The permittee and consultant did not follow DOGM regulations or DOGM guidelines in the annual report.

IV. GOOD FAITH MAX 20 POINTS (Either A or B) (Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

IF SO--EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20\*

(Immediately following the issuance of the NOV)

Rapid Compliance -1 to -10

(Permittee used diligence to abate the violation)

Normal Compliance 0

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

\*Assign in upper or lower half of rand depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

Rapid Compliance -11 to -20\*

(Permittee used diligence to abate the violation)

Normal Compliance -1 to -10\*

(Operator complied within the abatement period required)

Extended Compliance 0

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

Assessment N-97-39-3-1  
ACT/015/032  
June 25, 1997  
Page 4

EASY OR DIFFICULT ABATEMENT? Easy  
ASSIGN GOOD FAITH POINTS 0

**PROVIDE AN EXPLANATION OF POINTS**

The permittee needed to get a PE stamp on maps.

V.	<u>ASSESSMENT SUMMARY FOR N-97-39-3-1</u>	
I.	TOTAL HISTORY POINTS	<u>2</u>
II.	TOTAL SERIOUSNESS POINTS	<u>4</u>
III.	TOTAL NEGLIGENCE POINTS	<u>6</u>
IV.	TOTAL GOOD FAITH POINTS	<u>0</u>
	TOTAL ASSESSED POINTS	<u>10</u>
	TOTAL ASSESSED FINE	<u>\$100.00</u>