



0018

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

April 7, 1983

CERTIFIED RETURN RECEIPT REQUESTED

P 324 743 355

Mr. Kerry Frame
Southern Utah Fuel Company
P.O. Box P
Salina, Utah 84654

RE: Proposed Assessment for State
Violation No.
N83-7-3-1
ACT/041/002
Folder No. 7
Sevier County, Utah

Dear Mr. Frame:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the aforementioned violation(s). The aforesaid violation(s) was issued by Division Inspector Ken Wyatt on the 24th of March, 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A written request for an assessment conference must be submitted within fifteen (15) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violaton, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Board/Charles R. Henderson, Chairman • John L. Bell • E. Steele McIntyre • Edward T. Beck
Robert R. Norman • Margaret R. Bird • Herm Olsen

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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/gb

cc: Jodie Merriman, OSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, Atty

ASSESSMENT WORKSHEET

NOV# N83-7-3-1
 PERMIT# ACT/041/002

Name of Company Southern Utah Fuel Company

Violation # <u>1</u> of <u>1</u>	<u>POINTS</u>
1. History of previous violations	<u>1</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>18</u>
(2) Extent of potential or actual damage	<u>17</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>35</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>
TOTAL POINTS	<u>44</u>
ASSESSMENT	<u>\$ 760.00</u>

Violation # <u>--</u> of <u>--</u>	<u>POINTS</u>
1. History of previous violations	<u> </u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u> </u>
(2) Extent of potential or actual damage	<u> </u>
B. Obstruction to enforcement	<u> </u>
Total Seriousness	<u> </u>
3. Negligence	<u> </u>
4. Good Faith (Will be considered after complete information is received)	<u> </u>
TOTAL POINTS	<u> </u>
ASSESSMENT	<u>\$ </u>

ASSESSMENT EXPLANATION

NOV# N83-7-3-1

PERMIT# ACT/041/002

Name of Company Southern Utah Fuel Company

Violation # 1 of 1

History of previous violations: N82-7-4-1 eff. 6/13/82 = 1 pt., N83-7-2-1 is pending. 1 pt.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to meet State and Federal water quality limitations, is deemed to have resulted in the occurrence of water pollution by stream sedimentation. 18 pt.

(2) Extent of actual or potential damage:

Damage extends off the permit area. 17 pts.

B. Obstruction to enforcement: ----

Negligence: ORDINARY NEGLIGENCE 8 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED