



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

FILE

July 30, 1985

REGISTERED RETURN RECEIPT REQUESTED  
P 001 861 884

Mr. Ken Payne  
Southern Utah Fuel Company  
P. O. Box P  
Salina, Utah 84654

Dear Mr. Payne:

RE: Finalized Assessment for State Violation Nos. N85-6-1-1 and N85-6-4-1, ACT/041/002, Folder 8, Sevier County, Utah

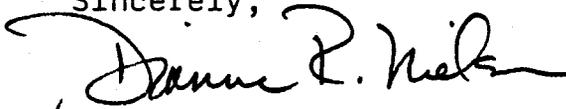
The civil penalty for the violation No. N85-6-1-1 and N85-6-4-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

  
for Constance K. Lundberg  
Assessment Officer

re  
cc: Donna Griffin, OSM Albuquerque  
Joe Helfrich  
Barbara Roberts  
03900



ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N85-6-4-1Permit # ACT/041/002Violation 1 of 1(a) Nature of violation: Moving parking lot without approval

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>0</u>	<u>0</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>          </u>	<u>          </u>
Extent of Damage	<u>          </u>	<u>          </u>
(2) Obstr. to Enforcement	<u>9</u>	<u>6</u>
(c) Negligence	<u>6</u>	<u>5</u>
(d) Good Faith	<u>- 7</u>	<u>- 8</u>
TOTAL	<u>8</u>	<u>3</u>
	TOTAL ASSESSED FINE	<u>\$ 30.00</u>

## 3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

This is a technical violation because SUFCO returned to an earlier approved plan, subsequently amended, without waiting for approval. Both parties acted questionably. The lot should not have been moved without approval. However six months seems a long time for a minor approval. Because the change actually was consistent with an earlier approved plan, improved environmental protection, and appears to arise from misunderstanding of the permit process, including the provisions of UMC 788.12, the points are reduced.

0013Q



ASSESSMENT CONFERENCE REPORT  
(continued)1. Notice of Violation/Cessation Order No. N85-6-1-1Permit # ACT/041/002Violation 1 of 1(a) Nature of violation: Failure to mine in accordance with an approved plan.

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>0</u>	<u>0</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>        </u>	<u>        </u>
Extent of Damage	<u>        </u>	<u>        </u>
(2) Obstr. to Enforcement	<u>6</u>	<u>6</u>
(c) Negligence	<u>9</u>	<u>9</u>
(d) Good Faith	<u>        </u>	<u>        </u>
TOTAL	<u>15</u>	<u>15</u>
	TOTAL ASSESSED FINE	<u>\$ 150.00</u>

## 3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Evidence did not warrant reduction in penalties.

0013Q