0016

File

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

September 26, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 860

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

Dear Mr. Payne:

RE: Finalized Assessment for State Violation No. N86-9-7-1
ACT/041/002, Folder #8, Sevier County, Utah

The civil penalty for the above referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessment, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty 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 this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W Roberts

Barbara W. Roberts
Assessment Conference Officer

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cc:Donna Griffin, OSM Albuquerque Field Office
0450Q

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

COMPANY/MINE SUFCO/Convulsion NOV # N86-9-7-1

PERMIT # ACT/041/002 VIOLATION 1 OF 1

Assessment Date 9-25-86 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to meet federal effluent limitations for an NPDES permitted discharge point.

Date of termination: June 25, 1986

	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	3	3
(2) Seriousness		
(a) Probability of Occurrence	20	20
Extent of Damage	8	8
(b) Hindrance to Enforcement		
(3) Negligence	2	2
(4) Good Faith		-10
TOTAL	33	23
	TOTAL ASSESSED FINE	$ 260.

3. Narrative:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

The Division received the letter containing the abatement information on June 25, 1986. The abatement deadline was set at July 7, 1986, therefore good faith points for rapid compliance of an easy abatement are awarded.

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September 26, 1986

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

Dear Mr. Payne:

I received, on July 21, 1986 a request for an assessment conference or, in lieu of that, a reassessment awarding good faith points. I apologize for the time which has elapsed since I received your letter, but I was unaware that Jan Brown, my right-hand secretary in the Division, who sets up assessment conferences had not received the request as well.

I have reviewed your letter and the file and have determined the good faith points are indeed warranted and, had the Assessment Officer, Mike Earl, been aware of the effective date of termination a revised final assessment would have reflected that fact.

Although Mr. Earl would normally issue a revised final assessment, I will do so since your letter was addressed to me as Assessment Conference Officer.

Again, I apologize for my oversight regarding your request.

Sincerely,

Barbara W. Roberts

Barbara W. Roberts
Assessment Conference Officer.

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Enclosure
cc: Kerry A. Frame, SUFCO
0448Q-9