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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Miss J.

Norman H. Bangertter
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355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 5, 1989

CERTIFIED RETURN RECEIPT
P 075 063 234

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

Dear Mr. Payne:

Re: Finalized Assessment for State Violation No. N89-13-1-1, ACT/041/002,
Folder #5, 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 including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

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 thirty (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, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Handwritten signature of Barbara W. Roberts in cursive.
Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/36

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

COMPANY/MINE SUFCO/Convulsion Canyon

NOV # N-89-13-1-1

PERMIT # ACT/041/002

VIOLATION 1 OF 1

Assessment Date 12/5/89

Assessment Officer Barbara W. Roberts

Nature of

Violation: Failure to confine mining activities to within the approved disturbed area. Failure to minimize disturbance to surface water systems. Disturbing sotckpiled topsoil. Placing soil materials in an undisturbed ephemeral drainage.

Date of Termination: Effective 11/10/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>9</u>
Extent of Damage	<u>12</u>	<u>6</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>12</u>	<u>12</u>
(4) Good Faith	<u>- 0</u>	<u>-10</u>
TOTAL	<u>44</u>	<u>17</u>
	TOTAL ASSESSED FINE	<u>\$ 170.00</u>

3. Narrative:

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

The actual probability that water pollution or diminished reclamation potential had occurred is unlikely, therefore the civil penalty points are reduced to reflect that determination. The determination of the extent of potential damage indicates that although the ephemeral drainage bank was repaired, some threat of water pollution will continue until vegetation is established. The actual damage, though is relatively insignificant and, therefore, the damage assessment is reduced. Good faith points are awarded on the basis of a normal compliance with a difficult abatement requirement. The inspector indicates that the hydro-mulcher was not available on site. Although the inspector did not require the site hydromulched, the method was preferred by the inspector and, had he contemplated such a procedure, a longer initial abatement period with interim steps would have been specified. Work was progressing even before the violation was cited. Therefore, 10 points are awarded for good faith.