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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

File

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March 26, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 043

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

Dear Mr. Payne:

Re: Finalized Assessment for State Violation #N90-39-1-1,
Southern Utah Fuel Company, Convulsion Canyon Mine,
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 escrow 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,

A large, stylized handwritten signature in black ink, appearing to read 'Tom Mitchell'.

Tom Mitchell
Assessment Conference Officer

jbe
Enclosure
cc: John C. Kathmann, OSM, AFO

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

COMPANY/MINE Southern Utah Fuel/Convulsion Cyn NOV #N90-39-1-1

PERMIT # ACT/041/002 VIOLATION 1 of 1

Assessment Date 03/26/91 Assessment Officer Tom Mitchell

Nature of
Violation: Compliance with permit conditions specifically
meeting the requirements of the UPDES discharge permit.

Date of Termination: 12/24/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>5</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>0</u>	<u>0</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-10</u>
Total Points	<u>33</u>	<u>18</u>
TOTAL ASSESSED FINE		<u>\$ 180.00</u>

NARRATIVE:

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

Further evaluation of the water quality violation at the
assessment conference revealed that no damage occurred as a
result of the violation, thus 0 extent of damage points are
awarded. The permittee exercised diligence in abating the
violation, thus 10 good faith points are assigned.

jbe
ACT041002