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Eaton

United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240

RECEIVED - OSM

AUG 06 1984

ALBUQUERQUE FIELD OFFICE

AUG 01 1984

Mr. Leon Nason
c/o Bennett Leasing Co.
221 West 2100 South
Salt Lake City, UT 84115

Re: Penalties for Violation of the Surface Mining Control
and Reclamation Act of 1977, P.L. 95-87

Enclosed is a notice of proposed assessment of penalty with
respect to certain violations for which a notice of violation
or a cessation order was issued to you.

THE PROPOSED PENALTY(IES) WILL BECOME FINAL AND PAYABLE WITHIN
30 DAYS from the date you receive this letter UNLESS YOU REQUEST
A CONFERENCE OR HEARING in accordance with the following
instructions:

1. If you wish only a conference with the Branch of Inspection to
review this proposed assessment, you must submit a written
request within 15 days after you receive this letter.
If you wish, you may use the enclosed form to request a
conference. Do not include any check or money order with
your conference request. Send your request to:

Branch of Inspection
Office of Surface Mining
U.S. Department of the Interior
Washington, D.C. 20240

2. If you wish only a hearing, you must submit a petition for
review within 30 days after the date you receive this letter
to:

Office of Hearings and Appeals
Hearings Division
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203

Your petition must be accompanied by a check or money
order payable to the "Branch of Inspection--OSM" in an
amount equal to the total proposed assessment. If you
fail to submit the check or money order with your petition,
or if the check is returned for nonpayment, or if the
check or money order is written for an amount less than
the total proposed assessment, you may forfeit your
right to a hearing. To assure proper credit for your
payment, you must note on your check or money order the
violation for which payment is being made.

The proceeds of your check or money order will be held in escrow and if, after administrative or judicial review, it is found that there was no violation or that the proposed penalty was too high, the balance will be refunded to you with interest at the rate of 6 percent or at the prevailing Department of the Treasury rate, whichever is greater.

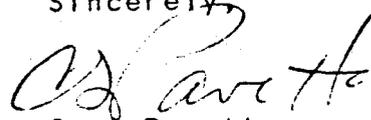
3. If you wish a hearing as to some, but not all, of the violations for which a penalty has been assessed, you must indicate on your petition the specific violations for which you wish a hearing, and you must pay into escrow the proposed penalty for those violations, as described in paragraph (2) above. You must also pay the penalty with respect to the remaining as provided in paragraph (5) below.
4. If you wish both a conference and a hearing, you should request a conference as described above. After the conference is complete or the Director of the Office of Surface Mining has approved the conference officer's recommendation (if required under 30 C.F.R. § 845.18(b)(4), whichever is later, you will have 15 days to request a hearing. The method for requesting a hearing is described in paragraph (2).
5. If you do not make a timely request for a conference or a hearing with respect to a violation, the proposed penalty for that violation will become due and payable within 30 days from the receipt of this letter. Payment should be made by check or money order payable to "The Branch of Inspection--OSM" and sent to:

Branch of Inspection
Office of Surface Mining
U.S. Department of the Interior
Washington, D.C. 20240

To assure proper credit of your payment, you must note on the check or money order the violations for which payment is being made.

Please read this letter carefully. If you have a question which is not answered by this letter, you may call (202)343-3130.

Sincerely,



Carl Pavetto
Chief, Branch of Inspection

Enclosure

CIVIL PENALTY SECTION
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
U.S. DEPARTMENT OF THE INTERIOR
WASHINGTON, D.C. 20240

NOTICE OF PROPOSED ASSESSMENT

Notice of Violation # 84-2-31-1

The Civil Penalty Section has reviewed the notice of violation indicated above, information furnished by the authorized representative of the Secretary, and any information submitted by the permittee or operator pursuant to 30 CFR § 845.17. Based on this review, the Civil Penalty Section has determined that the violations cited appear to have occurred and proposes the following penalties:

NOV received: 6-12-84

<u>Violation No.</u>	<u>Amount of Proposed Assessment</u>
1 of 1	\$ 1400.00
of	
Total Proposed Assessment \$ 1400.00	

Note: If the attached assessment worksheet shows that good faith was not considered in making this assessment (due to the length of the abatement period), you may request a modification based on consideration of good faith. To obtain a reduction of the penalty on the basis of good faith in attempting to achieve compliance, you must show that you took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before that date set for abatement. Your request for a modification should be made in writing, after the violation has been abated, and should be addressed to the Civil Penalty Section at the above address.

Assessment Worksheet
(See Part 723)

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NOV # 84-2-31-1

CO # _____

PERMIT # INA/043/001

Name of Company Bennett Leasing Co.

Violation # 1 of 1 POINTS

1. History of previous violations 0

2. Seriousness (either A or B)

A. (1) Probability of occurrence 14

(2) Extent of potential or actual damage 8

B. Obstruction to enforcement _____

Total Seriousness 22
12

3. Negligence

4. Good Faith (Will be considered after complete information is received) _____

TOTAL POINTS 34

ASSESSMENT \$1400

Violation # _____ of _____ POINTS

1. History of previous violations _____

2. Seriousness (either A or B)

A. (1) Probability of occurrence _____

(2) Extent of potential or actual damage _____

B. Obstruction to enforcement _____

Total Seriousness _____

3. Negligence _____

4. Good Faith (Will be considered after complete information is received) _____

TOTAL POINTS _____

ASSESSMENT \$ _____

Assessment Explanation

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NOV # 84-2-31-1

CO # _____

Name of Company Bennett Logging Co.

Violation # 1 of 1

History of previous violations: 0

Seriousness: (either A or B)

A.

(1) Probability of occurrence: 14

Water pollution is very likely to occur. Drainage from the disturbed area is not being passed through sediment ponds. Runoff has reached stream in north end of property. Stream is 10' from property line.

(2) Extent of actual or potential damage: 8

3. Negligence

Damage extends off permit.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED