

ACT/OIS/O17



SCOTT M. MATHESON  
Governor

OIL, GAS, AND MINING BOARD

TEMPLE A. REYNOLDS  
Executive Director,  
NATURAL RESOURCES

CHARLES R. HENDERSON  
Chairman

CLEON B. FEIGHT  
Director

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS, AND MINING  
1588 West North Temple  
Salt Lake City, Utah 84116  
(801) 533-5771

JOHN L. BELL  
EDWARD T. BECK  
E. STEELE McINTYRE  
BOB NORMAN  
MARGARET BIRD  
HERM OLSEN

October 21, 1981

#0367506

CERTIFIED - RETURN RECEIPT REQUESTED

Mr. Merrill Heward  
Utah Power & Light Company  
P.O. Box 899  
Salt Lake City, Utah 84110

RE: Proposed Assessment for  
State Violation No. N81-6-1-2

Dear Mr. Heward:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector Jean Doutré on September 4, 1981.

The Board of Oil, Gas and Mining has empowered me to act as Assessment Officer and to conduct informal conferences on violations and assessments. This assessment has been computed by me using Rule UMC/SMC 845.2 et seq.

You may or may not request that the Division establish an assessment conference at this time. If no conference is requested by you within 30 days of your receipt of this letter the violation will be reassessed considering available facts and you will be required to pay the civil penalty as reassessed.

Should you decide to request an assessment conference you must do so in writing within 30 days of your receipt of this letter. Please specify in your request what the nature of your contest to the violation will include. For your ease in responding I have classified those contests as follows:

1. A contest of the amount of the assessment and not the fact of the violation(s) having occurred.
2. A contest of the facts of whether the violation(s) occurred.

Mr. Merrill Heward  
October 21, 1981  
Page Two

This classification has been made to enable the Division time to arrange for a court reporter to establish a record of the proceedings in contests of the facts of a violation.

My decision resulting from the assessment conference may be appealed to the Board in a more formal proceeding.

Sincerely,



RONALD W. DANIELS  
ACTING ASSESSMENT OFFICER

RWD/te

ASSESSMENT WORKSHEET

NOV# N81-6-1-2

PERMIT# ACT/015/017

Name of Company Utah Power & Light/Church Mines

Violation # 1 of 2 POINTS

- |   |           |
|---|-----------|
| 1. History of previous violations   | <u>1</u>  |
| 2. Seriousness (either A or B)  |           |
| A. (1) Probability of occurrence  | <u>12</u> |
| (2) Extent of potential or actual damage                                  | <u>4</u>  |
| B. Obstruction to enforcement   | <u>-</u>  |
| Total Seriousness   | <u>16</u> |
| 3. Negligence   | <u>8</u>  |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u>  |

TOTAL POINTS 25

ASSESSMENT \$ 300.00

Violation # 2 of 2 POINTS

- |   |           |
|---|-----------|
| 1. History of previous violations   | <u>1</u>  |
| 2. Seriousness (either A or B)  |           |
| A. (1) Probability of occurrence  | <u>-</u>  |
| (2) Extent of potential or actual damage                                  | <u>-</u>  |
| B. Obstruction to enforcement   | <u>12</u> |
| Total Seriousness   | <u>12</u> |
| 3. Negligence   | <u>8</u>  |
| 4. Good Faith (Will be considered after complete information is received) | <u>-</u>  |

TOTAL POINTS 21

ASSESSMENT \$ 220.00

ASSESSMENT EXPLANATION

NOV# N81-6-1-2

PERMIT# ACT/015/017

Name of Company Utah Power & Light/Church Mines

Violation # 1 of 2

History of previous violations: N81-1-2-1, 1 point.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to maintain sediment control measures to minimize erosion is deemed likely to have resulted in excess erosion. 12 points.

(2) Extent of actual or potential damage:

Damage would not leave the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N81-6-1-2

PERMIT# ACT/015/017

Name of Company Utah Power & Light/Church Mines

Violation # 2 of 2

History of previous violations: N81-1-2-1, 1 point.

Seriousness: ~~(either A or B)~~

A. (1) Probability of occurrence:

(2) ~~Extent of actual or potential damage:~~

B. ~~Obstruction to enforcement:~~

Due to the lack of blasting records the inspector was hindered in determining if the operator or his contractor(s) had followed applicable safety regulations. 12 points.

Negligence: ~~ORDINARY NEGLIGENCE~~

8 points.

Good Faith: ~~WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED~~