



0021

STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

40T/015/017
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

January 8, 1981

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

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

Dear Mr. Jerman:

Pursuant to your request of November 9, 1981, I have established
Wednesday, January 13, 1982, at 10:30 a.m., for the assessment conference
on State Violation No. N81-6-1-2-1-2.

The conference will be held in this office.

Please let me know if this arrangement creates any problems for you.

Sincerely,

RONALD W. DANIELS
ACTING ASSESSMENT OFFICER

RWD/te

cc: Carolyn Driscoll, Legal Specialist
Joe Helfrich, Field Supervisor

Send a letter setting up
the AC for 1/13/82 at 10:30 AM

Please return this
to me with a copy
of the proposed
assessment.

UTAH POWER & LIGHT COMPANY

LEGAL OFFICES
SIDNEY G. BAUCOM
EXECUTIVE VICE PRESIDENT
AND
GENERAL COUNSEL
ROBERT GORDON
VICE PRESIDENT
535-4258
VERL R. TOPHAM
ASSOCIATE GENERAL COUNSEL
535-4259
THOMAS W. FORSGREN
535-4261
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P. O. BOX 899
SALT LAKE CITY, UTAH 84110

RALPH L. JERMAN
535-4253
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535-4268
HELEN J. EDWARDS
535-4255
DAVID LLOYD
535-2885
MARY STIRK
LEGAL ASSISTANT
535-4256
STEVE D. WHITE
CLAIMS SPECIALIST
535-4027

November 9, 1981

RECEIVED
NOV 12 1981

NOV file copy

State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, UT 84116

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

Gentlemen:

Utah Power & Light Company hereby requests an assessment conference relating to the above violation assessed against the Des-Bee-Dove Mine. The proposed assessment, dated October 21, 1981, was received by Utah Power & Light Company on October 27, 1981.

As to Violation No. 1, Utah Power does not contest the fact of violation, but does contest the amount of the assessment and believes it to be excessive under the circumstances. There was no actual damage to the environment and little potential for such damage.

As to Violation No. 2, Utah Power contests the fact of the violation as well as the assessment of points for "obstruction to enforcement."

Very truly yours,

Ralph L. Jerman
Ralph L. Jerman

RLJ:p

SCOTT M. MATHESON
Governor

TEMPLE A. REYNOLDS
Executive Director,
NATURAL RESOURCES

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

OIL, GAS, AND MINING BOARD

CHARLES R. HENDERSON
Chairman

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

October 21, 1981

#1367506
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 Dautre 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 1
- 2. Seriousness (either A or B)
 - A. (1) Probability of occurrence 12
 - (2) Extent of potential or actual damage 4
 - B. Obstruction to enforcement -
 - Total Seriousness 16
- 3. Negligence 8
- 4. Good Faith (Will be considered after complete information is received) -

TOTAL POINTS 25

ASSESSMENT \$ 300.00

Violation # 2 of 2 POINTS

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

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