



0022
STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File
Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

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

May 4, 1984

P 396 996 706
REGISTERED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for
State Violation No.
N83-7-10-1
ACT/015/017
Folder No. 8
Emery, County, Utah

Dear Mr. Jense:

The civil penalty for the Violation No. N83-7-10-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely, improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Lorin P. Nielsen
Lorin P. Nielsen
Acting Assessment Officer

LPN:re

cc: Jodie Merriman, GSM, Albuquerque
Joe Helfrich, DOGM
Barbara Roberts, ~~Atty~~

Equal opportunity employer • please recycle paper

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

NOV/CO No. N83-7-10-1

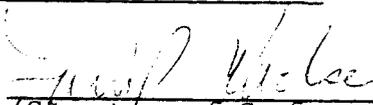
Location of Conference: Huntington, Utah

Date of Conference: April 5, 1984

Company Name/Mine Name: Utah Power & Light - Emery Mining Company
Wilberg - Des-Bee-Dove

<u>Persons in Attendance</u>	<u>Representing</u>
<u>Lorin P. Nielsen</u>	<u>Acting Assessment Officer</u>
<u>Joe Helfrich</u>	<u>Division of Oil, Gas and Mining</u>
<u>Ken Wyatt</u>	<u>Division of Oil, Gas and Mining</u>
<u>Tom Wright</u>	<u>Division of Oil, Gas and Mining</u>
<u>Barbara Roberts</u>	<u>Assistant Attorney General, Salt Lake</u>
<u>Larry Guymon</u>	<u>Emery Mining Corporation</u>
<u>Morgan Moon</u>	<u>Emery Mining Corporation</u>
<u>Michael Brady</u>	<u>Utah Power & Light Company</u>
<u>Chris Shingleton</u>	<u>Utah Power & Light Company</u>
<u>Dean Bryner</u>	<u>Utah Power & Light Company</u>
<u>Fred Brozovich</u>	<u>Utah Power & Light Company</u>
<u>Ralph Jerman</u>	<u>Utah Power & Light Company</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-7-10-1, #1 of 1</u>	<u>\$ 320.00</u>
<u>TOTAL</u>	<u>\$ 320.00</u>

Approved: 
(Signature of Conference Officer)

Date: May 4, 1984

This assessment has been set as a result of an informal conference held by the assessment officer. Should the Company desire a review in a more formal proceeding before the Board of Oil, Gas & Mining, a hearing can be requested within 15 days of receipt of this report.

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N83-7-10-1

Violation 1 of 1

(a) Nature of violation: Disposal of waste in undesginated area.

(b) Date of termination: _____

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>0</u>	<u>0</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	<u>5</u>
Extent of Damage	<u>8</u>	<u>8</u>
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>18</u>	<u>18</u>
(d) Good Faith	_____	<u>-5</u>
(e) Acreage	_____	_____
TOTAL	<u>31</u>	<u>26</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

History: Affirmed

Seriousness:

Probability: Disposal occurred in area as described in proposed assessment.
Affirmed

Extent: Affirmed

Negligence: Affirmed

Good Faith: The material was removed soon after the NOV was written.

Equipment available. Easy situation. Rapid compliance. 5 points.



THE ATTORNEY GENERAL
STATE OF UTAH

DAVID L. WILKINSON
ATTORNEY GENERAL

PAUL M. TINKER
DEPUTY ATTORNEY GENERAL

DALLIN W. JENSEN
Solicitor General

FRANKLYN B. MATHESON
Senior Assistant Attorney General

ROBERT R. WALLACE
Chief Trial Counsel

WILLIAM T. EVANS, CHIEF
Human Resources Division

DONALD S. COLEMAN, CHIEF
Physical Resources Division

STEPHEN G. SCHWENDIMAN, CHIEF
Tax & Business Regulation Division

EARL F. DORIUS, CHIEF
Governmental Affairs Division

PAUL M. WARNER, CHIEF
Litigation Division

May 4, 1984

Dean Bryner
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Bryner:

This letter is in regard to the permitted sanitary landfill site at the Hunter Power Plant. In our meeting of March 13, 1984 in the offices of the Division of Oil, Gas and Mining, you represented to the Division that the existing coal at the site would be removed, crushed and used at the power plant. The landfill site would be used for nothing but non-coal waste.

In keeping with this representation, I would like to remind you that, under the present regulations, no underground development waste rock may be dumped at any site other than sites approved by the Division. In addition, since the Division's jurisdiction extends over "... all lands in the State of Utah, lawfully subject to its police power ..." (Section 40-6-18, Utah Code Annotated, 1953, as amended), and, since the site has been the subject of a waste rock violation in the past, the Division may periodically inspect the landfill site to determine whether other than non-coal waste has been placed at the site.

Thank you for your cooperation in this matter.

Sincerely,

BARBARA W. ROBERTS
Assistant Attorney General

BWR/dp