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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter  
Governor

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Executive Director

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Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

July 14, 1992

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 261

Mr. Val Payne  
PacifiCorp Electric Operations  
P.O. Box 1005  
Huntington, Utah 84528

*Val*  
Dear Mr. Payne:

Re: Finalized Assessment for State Violation #N92-26-1-1,  
PacifiCorp, Des-Bee-Dove Mine, ACT/015/017, Folder #5, Emery  
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,

*Ronald W. Daniels*  
Ronald W. Daniels  
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO

an equal opportunity employer

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

COMPANY/MINE PacifiCorp/Des-Bee-Dove

NOV #N92-26-1-1

PERMIT # ACT/015/017

VIOLATION 1 of 1

Assessment Date 07/14/92

Assessment Officer Ronald W. Daniels

**Nature of Violation:**

Failure to maintain road drainage in accordance with the terms and conditions of the permit, performance standards and state program.

Date of Termination: Effective date = 05/05/92

	<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>15</u>	<u>15</u>
Extent of Damage	<u>5</u>	<u>4</u>
(b) Hindrance to Enforcement	<u>    </u>	<u>    </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-3</u>
Total Points	<u>28</u>	<u>24</u>
TOTAL ASSESSED FINE		<u>\$ 280.00</u>

**NARRATIVE:**

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

This violation was erroneously judged by the Division to have the potential for causing offsite damage. This was shown not to be the case, in the assessment conference, thus damage points are reduced. Since the abatement is judged to have been difficult (no onsite resources available due to the site's inactive status) for this violation and the abatement occurred in the second half of the abatement period, good faith points are awarded accordingly.