



0019

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

ACT/015/018-A
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 5, 1982

#0367227

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

RE: Proposed Assessment for
State Violation No. N81-4-8-2

Dear Mr. Heward:

Enclosed you will find the proposed civil penalty assessment for this violation. The violation was cited by Division Inspector David Lof on December 11, 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
January 5, 1982
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/ra

cc: Larry Guymon, Emery Mining Inc.

ASSESSMENT WORKSHEET

NOV# N81-4-8-2PERMIT# ACT/015/018-AName of Company Utah Power and Light CompanyViolation # 1 of 2POINTS

1. History of previous violations -
2. Seriousness (either A or B)

A. (1) Probability of occurrence 12
 (2) Extent of potential or
 actual damage 16

B. ~~Obstruction to enforcement~~ -~~Total Seriousness~~ 28

- 3.
- ~~Negligence~~
- 8

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

TOTAL POINTS 36ASSESSMENT \$ 520.00Violation # 2 of 2POINTS

1. History of previous violations -
2. Seriousness (either A or B)

A. (1) Probability of occurrence 7
 (2) Extent of potential or
 actual damage 4

B. ~~Obstruction to enforcement~~ -~~Total Seriousness~~ 11

- 3.
- ~~Negligence~~
- 8

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

TOTAL POINTS 19ASSESSMENT \$ 199.00

ASSESSMENT EXPLANATION

NOV# N81-4-8-2

PERMIT# ACT/015/018-A

Name of Company Utah Power and Light Company

Violation # 1 of 2

History of previous violations:

Seriousness: (either A or B)

A. (1) ~~Probability of occurrence:~~

The violation was for a failure to prevent additional contributions of suspended solids to streamflow or runoff and a failure to treat near surface runoff. This violation is deemed likely to result in the events of water pollution and stream sedimentation. 12 points.

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

Damage would extend off the permit area. 16 points.

B. ~~Obstruction to enforcement:~~

Negligence: ORDINARY NEGLIGENCE

8 points.

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

ASSESSMENT EXPLANATION

NOV# N81-4-8-2

PERMIT# ACT/015/018-A

Name of Company Utah Power and Light Company

Violation # 2 of 2

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence:

~~The violation was for a failure to minimize water pollution and erosion through stabilization of the disturbed area. This violation is deemed unlikely to result in the events of water pollution and soil loss.~~
7 points.

(2) Extent of actual or potential damage:

Damage would not extend off the permit area. 4 points.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE

8 points.

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