



0030
 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

April 2, 1984

P 396 996 736
 REGISTERED RETURN RECEIPT REQUESTED

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

RE: Finalized Assessment for
 State Violation No. N83-7-9-2
 ACT/015/018, Folder No. 8
 Emery County, Utah County,

Dear Mr. Jense:

The civil penalty for the Violation No. N83-7-9-2 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
 Acting Assessment
 Conference Officer

LPN:re

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

40460

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

NOV/CO No. N83-7-9-2

Location of Conference: Division of Oil, Gas and Mining Office, Salt Lake City

Date of Conference: March 26, 1984

Company Name/Mine Name: Utah Power and Light/Deer Creek Mine

<u>Persons in Attendance</u>	<u>Representing</u>
<u>Lorin P. Nielsen</u>	<u>Acting Assessment Conference Officer</u>
<u>Ralph Jerman</u>	<u>Utah Power and Light Company</u>
<u>Christian Shingleton</u>	<u>Utah Power and Light Company</u>
<u>Larry Guymon</u>	<u>Emery Mining Corporation</u>
<u>Frederick Pehrson</u>	<u>Utah Bureau of Water Pollution Control</u>
<u>Joe Helfrich</u>	<u>Division of Oil, Gas and Mining</u>
<u>Steven Mc Neal</u>	<u>Emery Mining Corporation</u>
<u>Ken Wyatt</u>	<u>Division of Oil, Gas and Mining</u>
<u>Frederick Pehrson</u>	<u>Utah Bureau of Water Pollution Control</u>

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-7-9-2</u>	<u>\$ 1400.00</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u>TOTAL DUE</u>	<u>\$ 1400.00</u>

Approved: *Laurie A. Helgeson* Date: April 2, 1984
 (Signature of Conference Officer)

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. N83-7-9-2Violation 1 of 2(a) Nature of violation: Failure to conduct underground wall, mining activities in accordance with an approved plan(b) Date of termination: January 26, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>20</u>	<u>20</u>
(2) Obstr. to Enforcement	<u>23</u>	<u>23</u>
(c) Negligence	<u> </u>	<u> </u>
(d) Good Faith	<u> </u>	<u> </u>
(e) Acreage	<u> </u>	<u> </u>
TOTAL	<u>61</u>	<u>61</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.)

Seriousness:

Probability of occurrence; event is deemed to have occurred. Points affirmed.Extent of damage; points potential off site damage affirmed due to disposal in unregulated unpermitted site.Negligence; violation of specific instructions and disposal permit conditions on disposal constitutes knowing and intentional conduct. Points affirmedGood Faith; abated within time given on NOV for east abatement. No points allowed.

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

NOV/CO No. N83-7-9-2

Location of Conference: Division of Oil, Gas and Mining, Salt Lake City, Utah

Date of Conference: March 26, 1984

Company Name/Mine Name: Utah Power & Light/Deer Creek Mine

<u>Persons in Attendance</u>	<u>Representing</u>
<u>OSee page 1</u>	

<u>Violation No.</u>	<u>Amount of Assessment As Revised</u>
<u>N83-7-9-2</u>	<u>\$ 1220.00</u>
	<u>\$ 1220.00</u>

Approved: _____ Date: _____
(Signature of Conference Officer)

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. N83-7-9-2Violation 2 of 2

(a) Nature of violation:

Failure to conduct underground coal mining activities in a manner to minimize changes to the prevailing hydrologic balance to both onsite and offsite areas. Failure to conduct underground activities in compliance with other applicable statutes, rules and other regulations both state and federal

(b) Date of Termination:

January 26, 1984

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>1</u>	<u>1</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>20</u>	<u>20</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>23</u>	<u>23</u>
(d) Good Faith		
(e) Acreage		
TOTAL	<u>56</u>	<u>56</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.)

SeriousnessProbability of occurrence: Event likely to occur. Points affirmedExtent of damage: Potential damage or input to off site area greater than average. Points affirmedNegligence: Violation of specific instructions and disposal permit conditions on disposal of waste constitutes knowing and willfull conduct. Points affirmedGood Faith: Abated within time given for easy abatment in NOV. no points allowed