

0011



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

File
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

August 14, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 283

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

Dear Mr. Jense:

RE: Finalized Assessment for State Violation No. N86-4-3-3, #3 of 3
ACT/015/018, Folder # 8, 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 which were not available on the date of the proposed assessment, due to the length of the abatement period.

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 have escrowed the assessed civil penalty 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 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 and mail % Jan Brown at the address listed above.

Thank you for your cooperation.

Sincerely,

Barbara W. Roberts
Barbara W. Roberts
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
0450Q

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

COMPANY/MINE UP&L/Deer Creek NOV # N86-4-3-3
 PERMIT # ACT/015/018 VIOLATION 3 OF 3
 Assessment Date August 6, 1986 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to design construct and maintain a Class II road with adequate drainage controls.

Date of termination: May 16, 1986

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>2</u>	<u>2</u>
Extent of Damage	<u>2</u>	<u>2</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>5</u>	<u>1</u>
(4) Good Faith	<u> </u>	<u> </u>
TOTAL	<u>10</u>	<u>6</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

3. Narrative:

This citation was issued for failure to meet the Class II road standards for drainage control. It was later determined by the Division that this road should be classified as a Class II road. Once this determination was made, the inspector modified the citation to reflect this change in status and the operator was directed to submit certain information relating to the "as-built" drainage controls. These controls were later found to be adequate for the Class II road. Regardless of these events subsequent to the issuance of the citation, the violation is upheld because information presented at the assessment conference indicated that the drainage controls in place had not been maintained, resulting in water flowing over the road. There will be no civil penalty associated with this citation and the negligence points are reduced to reflect the uncertainty surrounding this issue.