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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
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Salt Lake City, Utah 84180-1203
801-538-5340

November 17, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 075 063 229

Mr. David R. Smaldone, Director
Utah Power and Light Company
324 South State Street
P. O. Box 26128
Salt Lake City, Utah 84126-0128

Dear Mr. Smaldone:

Re: Finalized Assessment for State Violation No. N89-26-20-2 #'s 1 and 2,
ACT/015/018, 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. Please note that no penalty has been assessed for part 1 of 2 because the violation was vacated.

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 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,

A handwritten signature in black ink, appearing to read 'Barbara W. Roberts'.

Barbara W. Roberts
Assessment Conference Officer

jb

cc: John C. Kathmann, OSM, AFO
MN37/29

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

COMPANY/MINE Utah Power & Light/Deer Creek

NOV # 89-26-20-2

PERMIT # ACT/015/018

VIOLATION 1 OF 2

Assessment Date 11/17/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain berm and culverts

Date of Termination: 9/22/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>- 20</u>	<u>- 20</u>
TOTAL	<u>3</u>	<u>3</u>
	TOTAL ASSESSED FINE	<u>\$ - 0 -</u>

3. Narrative:

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

jb
MN34/30

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

COMPANY/MINE Utah Power & Light/Deer Creek

NOV # N89-26-20-2

PERMIT # ACT/015/018

VIOLATION 2 OF 2

Assessment Date 11/17/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain silt fences.

Date of Termination: 9/22/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>15</u>	<u>15</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>- 0</u>	<u>- 13</u>
TOTAL	<u>23</u>	<u>10</u>
TOTAL ASSESSED FINE		<u>\$100.00</u>

3. Narrative:

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

Materials were not available on site to raise the road level. In addition, the actual work done at the site was greatly in excess of that required by the inspector to abate the violation. The inspector agreed that the additional work was beneficial and, had he required that for abatement, he would have prescribed a longer abatement period. Therefore, since more beneficial abatement work was done that what was required and it was completed in a very short time frame, good faith points are assessed on the basis of a rapid compliance of a difficult abatement.

jb
 MN34/31