

BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE APPEAL	:	FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION	:	AND ORDER
N94-25-1-1, PACIFICORP, DEER	:	
CREEK MINE, ACT/015/018,	:	
EMERY COUNTY, UTAH	:	CAUSE NO. ACT/015/018

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On August 9, 1994 the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation issued to PacifiCorp for the above-referenced Notice of Violation ("NOV"). The following individuals attended:

Presiding:	James W. Carter Director
Petitioner:	Blake Webster Val Payne
Division:	Joe Helfrich
Board:	Ron Daniels Assessment Conference Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. The Assessment Conference, to review the proposed penalties for NOV N94-25-1-1, was held immediately following this informal hearing regarding

fact of violation. The requirement to pay the assessed penalty is stayed pending this decision upon the informal review of fact of violation.

3. On July 22, 1993, the Division approved Incidental Boundary Change ("IBC") #2 for PacifiCorp's Deer Creek mine, covering the areas in dispute in this NOV. The terms of the IBC allowed only for development mining in the area of the IBC, pending final approval of the Rilda Lease Tract Extension, of which the IBC areas is part.

4. At a meeting on June 15, 1994 with representatives of the U.S. Forest Service and the Division, a representative of PacifiCorp indicated that full extraction mining had occurred in a portion of the IBC area, comprising approximately two acres.

5. NOV N94-25-1-1 was issued on June 27, 1994. Also on June 27 and on June 30, 1994, PacifiCorp submitted information in support of its request to lift the IBC limitation on full-extraction mining in the subject area. The Division issued its permit for full-extraction mining in the IBC #2 on July 14, 1994.

CONCLUSIONS OF LAW

1. Extraction mining in the area of IBC #2 before July 14, 1994 constituted a violation of one condition of approval of IBC #2.

ORDER

NOW THEREFORE, it is ordered that:

1. The fact of violation of NOV N94-25-1-1 upheld.

2. The finalized assessment, resulting from the Assessment Conference of August 9, 1994 is due and payable to the Division 30 days from the date of this Order.

3. The Petitioner may appeal the determinations of fact of violation and/or the finalized assessments to the Board of Oil, Gas and Mining by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 30th day of September, 1994.



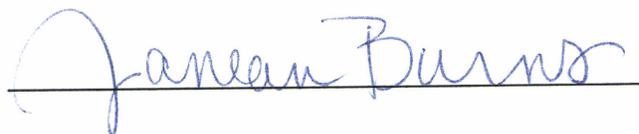
James W. Carter, Director
Division of Oil, Gas and Mining
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/015/018 to be mailed by certified mail, postage prepaid, on the 5th day of October 1994, to the following:

Val Payne, Sr. Environmental Engineer
PacifiCorp
P.O. Box 1005
Huntington, Utah 84528

Blake Webster
PacifiCorp
One Utah Center
201 South Main, Suite 2000
Salt Lake City, Utah 84140-0020

A handwritten signature in blue ink, reading "Janean Burns", is written over a horizontal line.

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RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

DOG M JBE ACT/015/018

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VAL PAYNE SR ENVIRO ENGINEER	
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PO BOX 1005	
HUNTINGTON UT 84528	
Postage	\$
Certified Fee	
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201 S. MAIN STE 2000	
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Postage	\$ 29
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Special Delivery Fee	
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