

January 8, 1985

TO: Coal File, Inspection and Enforcement
FROM: Sandy Pruitt, Mining Field Specialist 
Re: Pattern Search, Wilberg Mine, Utah Power and Light Company,
ACT/015/019, Folder #7, Emery County, Utah

During the 12 month period from December 9, 1982 to December 8, 1983 Utah Power and Light Company received three violations citing UMC 817.41. They are as follows:

1. N82-4-16-1 was issued on December 9, 1982 for failure to meet effluent limitations and failure to maintain the sediment pond, UMC 817.41, UMC 817.42, UMC 817.45 and UMC 817.46.
2. N84-4-3-1 was issued on April 6, 1983 for failure to prevent additional contributions of sediment to streamflow, UMC 817.41.
3. N83-5-1-1 was issued on January 10, 1983 for failure to pass all disturbed area runoff through a sediment pond and failure to maintain diversions, UMC 817.41, UMC 817.42, and UMC 817.43.

Assessments on the first two violations are finalized. A finalized assessment has not been done yet for N83-5-1-1. This was brought to Ron Daniels' attention on 1/9/85.

To my knowledge, a law on statute of limitations for pattern determinations does not exist. UMC 843.13(a)(3) states that a pattern determination shall be made for violations "within any 12-month period." Therefore, once NOV #N83-5-1-1 is finalized, DOGM should make a pattern determination.

re

cc: Ron Daniels
Joe Helfrich
Donna Griffin, OSM
0071Q-9