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File

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

September 18, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 856

Mr. Dee W. 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. N86-8-9-1, ACT/015/019, 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/Wilberg NOV # N86-8-9-1

PERMIT # ACT/015/019 VIOLATION 1 OF 1

Assessment Date 9-12-86 Assessment Officer Barbara W. Roberts

Nature of violation: Failure to comply with all state and federal water quality standards and effluent limitations.

Date of Termination: June 5, 1986

	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	8	
(2) Seriousness		
(a) Probability of Occurrence	17	
Extent of Damage	10	
(b) Hindrance to Enforcement		
(3) Negligence	5	
(4) Good Faith		
TOTAL	40	
	TOTAL ASSESSED FINE	$ N/A

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

Since the Division of Oil, Gas and Mining is required to enforce the effluent limits set in accordance with the applicable state and federal water quality laws and regulations, an issued violation must have underlying support through violation of the water quality laws and regulations. In this case, using the technology currently required by the State to meet standards for TDS the operator could not meet the effluent limits set in the NPDES permit. There is documentation to support the operator's effort to meet these limits. The operator has also applied for a modification of the permit to reflect the actual on-the-ground reality.

Therefore, for the reason that there was no violation of the state or federal water quality laws (operator was using the best technology currently required by the state regulatory authority) N86-8-9-1 is vacated.

0448Q