

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

March 7, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 001 720 564

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

Dear Mr. Jense:

RE: Finalized Assessment for State Violations No.'s N85-2-21-4,
N85-2-17-2, N85-6-14-1, ACT/015/019, Folder #8, Carbon County, Utah

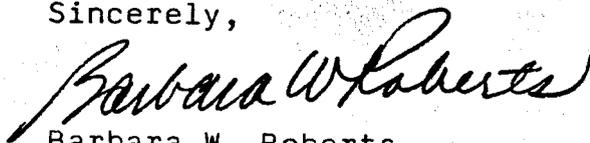
The civil penalties for the above referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, due to the length of the abatement period.

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 penalties 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, these assessed civil penalties 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
Assessment Conference Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office
9099Q

SUMMARY OF FINALIZED ASSESSMENT OF PENALTIES
 UTAH DIVISION OF OIL, GAS AND MINING
 355 West North Temple 3 Triad Center Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340

COMPANY/MINE UPL/WILBERG PERMIT #ACT/015/019

NOV/CO	AMOUNT
<u>N85-2-21-4 (1 of 4)</u>	<u>violation vacated</u>
<u>N85-2-21-4 (2--4 of 4)</u>	<u>\$320.00</u>
<u>N85-2-17-2</u>	<u>\$160.00</u>
<u>N85-6-14-1</u>	<u>-0-</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
TOTAL ASSESSED FINE	<u>\$480.00</u>

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-2-21-4

PERMIT # ACT/015/019

VIOLATION 1 of 4

Nature of violation: Conducting mining without a permit

Date of termination: _____

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	_____	_____
Extent of Damage	_____	_____
(b) Hindrance to Enforcement	<u>3</u>	<u>--</u>
(3) Negligence	<u>16</u>	<u>--</u>
(4) Good Faith	<u>0</u>	<u>--</u>
TOTAL	<u>22</u>	<u>--</u>
	TOTAL ASSESSED FINE	\$ <u>--</u>

3. Narrative:

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

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts
Violation vacated. Operator had submitted and DOGM had approved plans for construction in this area in 1982. Although the construction procedure varied from the originally-approved plans, the variation applied to a temporary structure necessary for construction. So long as soil, water and other resources are not adversely affected, the operator should have some flexibility within the approved disturbed area to conduct construction operations as seems necessary.

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-2-21-4

PERMIT # ACT/015/019

VIOLATION 2 of 4

Nature of violation: Failure to pass disturbed area
runoff through sediment pond.

Date of termination: 10-7-85

	<u>Proposed</u> <u>Assessment</u>	<u>Final</u> <u>Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>8</u>	<u>8</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-5</u>	<u>-5</u>
TOTAL	<u>26</u>	<u>26</u>
	TOTAL ASSESSED FINE	<u>\$ 320</u>

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

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

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

COMPANY/MINE UP&L/WILBERG NOV #N85-2-21-4

PERMIT # ACT/015/019 VIOLATION 3 of 4

Nature of violation: Failure to minimize erosion or regrade and stabilize gullies formed on reclaimed areas.

Date of termination: 10-1-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>--</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>14</u>	<u>--</u>
Extent of Damage	<u>9</u>	<u>--</u>
(b) Hindrance to Enforcement	<u> </u>	<u>--</u>
(3) Negligence	<u>6</u>	<u>--</u>
(4) Good Faith	<u>-10</u>	<u>--</u>
TOTAL	<u>22</u>	<u>--</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.)

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Good faith increased due to operator meeting an extremely short deadline for abatement. The regulations contemplate control of water pollution and protection of revegetation potential. Due to the intensity of the storm and resulting runoff as well as the absence of a permit provision addressing sediment controls for the reclaimed fill area, no civil penalty is assessed for this violation.

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-2-21-4

PERMIT # ACT/015/019

VIOLATION 4 of 4

Nature of violation: Failure to maintain adequate road drainage structures to function as designed

Date of termination: 10-2-85

	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>2</u>	<u>0</u>
Extent of Damage	<u>8</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u>0</u>
(3) Negligence	<u>9</u>	<u>5</u>
(4) Good Faith	<u>-8</u>	<u>-8</u>
TOTAL	<u>14</u>	<u>0</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.)

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Use of the formula to determine the extent of damage is waived for the reason that there was no water pollution occurring as a result of the blocked culvert. Per inspector, less sediment would be picked up through flow over the paved road than if flow was through culvert and ditch. Simply because flow terminated off the permit area is no reason to assess damage points if no damage occurred.

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-2-17-2

PERMIT # ACT/015/019

VIOLATION 1 of 2

Nature of violation: Failure to protect redistributed topsoil from compaction and contamination by surface operations

Date of termination: 10-18-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>12</u>	<u>12</u>
Extent of Damage	<u>5</u>	<u>2</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>16</u>	<u>4</u>
(4) Good Faith	<u>-5</u>	<u>-5</u>
TOTAL	<u>31</u>	<u>16</u>
	TOTAL ASSESSED FINE	<u>\$ 160</u>

3. Narrative:

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

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Contamination of both redistributed and existing topsoil occurred thus likely lessening the potential of the soil as a growth medium. The amount of soil impacted is small so damage is not as great as first assessed. The question of safety raised by allowing scrapers on the haul road impacted the operator's decision to use the area between cells for moving equipment. These competing interests justify a reduction in negligence points.

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-6-14-1

PERMIT # ACT/015/019

VIOLATION 1 of 1

Nature of violation: Failure to pass disturbed drainage through sediment control structure.

Date of termination: 1-6-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>17</u>	<u>17</u>
Extent of Damage	<u>17</u>	<u>17</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>3</u>	<u>3</u>
(4) Good Faith	<u>0</u>	<u>0</u>
TOTAL	<u>40</u>	<u>40</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.)

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Evidence indicates failure of up canyon drop drain to handle runoff as designed and constructed. Resulting runoff entered undisturbed drainage causing erosion of embankment above Grimes Wash. No evidence that drop drain failure was operator caused. Penalty is discretionary and none is assessed.

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

COMPANY/MINE UP&L/WILBERG

NOV #N85-2-17-2

PERMIT # ACT/015/019

VIOLATION 2 of 2

Nature of violation: Construction of rock disposal cells #4 and #5 without adequate sediment controls

Date of termination: 10-8-85

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Vio.	<u>3</u>	<u>3</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>15</u>	<u>0</u>
Extent of Damage	<u>8</u>	<u>0</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>8</u>	<u>1</u>
(4) Good Faith	<u>-20</u>	<u>0</u>
 TOTAL	 <u>14</u>	 <u>4</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.)

Barbara W. Roberts

Assessment Date 2-13-86 Assessment Officer Barbara W. Roberts

Water running off waste rock cell embankment disappeared into the adjacent dry wash. This area is designated as future waste rock cells. Due to the distance from the closest ephemeral drainage, the actual quantity of runoff and the character of the dry wash, seriousness points are eliminated. Penalty is discretionary and none is assessed.