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Norman H. Bangertter
Governor
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Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

more f.

June 28, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 657 442 192

Mr. Dave Smaldone, Director
Permitting and Compliance
Mining Division
Utah Power & Light Company
41 North Redwood Road
Salt Lake City, Utah 84140

Dear Mr. Smaldone:

Re: Finalized Assessment for State Violation No. N89-30-2-1, ACT/015/019, 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.

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,

Handwritten signature of Barbara W. Roberts in cursive.
Barbara W. Roberts
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/15

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

COMPANY/MINE Utah Power & Light/Wilberg

NOV # 89-30-2-1

PERMIT # ACT/015/019

VIOLATION 1 OF 1

Assessment Date 6/28/89

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to maintain diversion to prevent additional contributions of suspended solids to streamflow and runoff outside the permit area.

Date of Termination: 4/12/89

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>1</u>	<u>1</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>9</u>	<u>9</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>0</u>	<u>0</u>
(4) Good Faith	<u>-10</u>	<u>-20</u>
TOTAL	<u>20</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.)

Good faith points assessed at the "difficult abatement/rapid compliance" level. It is undisputed that the work was completed by April 6, 1989 and that the resources were not available at the site of the violation.

jb
MN34/13