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Norman H. Bangerter
Governor
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Executive Director
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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

February 8, 1989

CERTIFIED RETURN RECEIPT REQUESTED
P 001 771 210

Mr. Dave Smaldone, Director
Utah Power & Light Company
41 North Redwood Road
Salt Lake City, Utah 84140

Dear Mr. Smaldone:

Re: Finalized Assessment for State Violation No. N88-30-5-1, 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,

Alan S. Bachman
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
MN37/7

an equal opportunity employer

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

COMPANY/MINE Utah Power & Light Company NOV # N-88-30-5-1

PERMIT # ACT/015/019 VIOLATION 1 OF 1

Assessment Date 11/21/88 Assessment Officer Alan S. Bachman

Nature of Violation: Plugged culvert resulted in erosion along enbankment

Date of Termination: 12/8/88

| | Proposed Assessment | Final Assessment |
|---|---|---|
| (1) History/Prev. Violations | 0 | 0 |
| (2) Seriousness | | |
| (a) Probability of Occurrence | 20 | 10 |
| Extent of Damage | 8 | 2 |
| (b) Hindrance to Enforcement | 0 | 0 |
| (3) Negligence | 8 | 8 |
| (4) Good Faith | - 0 | -10 |
| TOTAL | 36 | 10 |
| TOTAL ASSESSED FINE | | $ 100.00 |

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

Actual event standard was trying to prevent was pollution, not just erosion. Occurrence points were to high as well as extent of damage. Good faith points should be added because the operator used diligent efforts to resolve problem with plans for a better drain system.

jb
MN34/5