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Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
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

mead

July 11, 1990

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 719

Mr. David R. Smaldone
Utah Power & Light Company
324 South State Street
Salt Lake City, Utah 84126-0218

Dear Mr. Smaldone:

Re: Finalized Assessment for State Violation No.90-32-1-1, 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.

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Utah Power & Light Co.
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Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan S. Bachman".

Alan S. Bachman
Assessment Conference Officer

jb
cc: John C. Kathmann, OSM, AFO
WMNfal/1-2

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

COMPANY/MINE Utah Power & Light

NOV # 90-32-1-1

PERMIT # ACT/015/019

VIOLATION 1 OF 1

Assessment Date 07/09/90

Assessment Officer Barbara W. Roberts

Nature of Violation: Failure to timely submit sample results of exceedence of the NPDES effluent limitation during the Christmas/New Years holiday season.

Date of Termination: 1/3/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Prev. Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>8</u>	<u>8</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>- 0</u>	<u>- 0</u>
TOTAL	<u>16</u>	<u>16</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.)

Points were reasonably assessed in the proposed assessment. However, due to the good history of the operator and the impact of the holiday season, on the timeliness of the submission, it is reasonable to waive the fine and allow the history point to be the significant deterrent effect of this assessment.

jb
MN34/47