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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter

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355 West North Temple

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Salt Lake City, Utah 84180-1203

801-538-5340

August 22, 1991

CERTIFIED RETURN RECEIPT  
P 074 979 120

Mr. Blake Webster  
PacifiCorp Electric Operations  
Fuel Resources  
One Utah Center  
210 South Main Street, Suite 2100  
Salt Lake City, Utah 84140-0021

Dear Mr. Webster:

Re: Re-Assessment for State Violation No. N91-26-1-1, PacifiCorp Electric Operations, Cottonwood/Wilberg Mine, ACT/015/019, Folder #5, Emery County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R614-401.

Enclosed is the civil penalty re-assessment for the above-referenced violation. The violation was issued by Division Inspector, William J. Malencik on February 28, 1991. Rule R614-401-600 et. sec. has been utilized to formulate the penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R614-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the penalty.

2. If you wish to review the penalty re-assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

**If a timely request for review is not made, the fact of violation will stand, the penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the re-assessment.** Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

  
Joseph C. Helfrich  
Assessment Officer

jbe  
Enclosure

**WORKSHEET FOR RE-ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE PacifiCorp Electric Oper. / Cottonwood/Wilberg NOV #N91-26-1-1

PERMIT # ACT/015/019

VIOLATION 1 of 1

Re-Assessment Date 08/22/91

Assessment Officer Joe Helfrich

Nature of

Violation: Failure to comply with terms and conditions of permit.

Date of Termination: 04/22/91

	<u>Proposed Assessment</u>	<u>Re- Assessment</u>
(1) History/Previous Violations	_____	_____
(2) Seriousness		
(a) Probability of Occurrence	_____	_____
Extent of Damage	_____	_____
(b) Hindrance to Enforcement	<u>12</u>	<u>12</u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-0</u>	<u>-0</u>
Total Points	<u>20</u>	<u>20</u>
TOTAL ASSESSED FINE		\$ <u>200.00</u>

**NARRATIVE:**

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

Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan.

jbe