



STATE OF UTAH
NATURAL RESOURCES & ENERGY
Oil, Gas & Mining

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

0012

February 22, 1983

file
certified mail no.
P324 743 130

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Cleon B. Feight, Division Director

CERTIFIED RETURN RECEIPT REQUESTED

Mr. Wendell Owen
Co-op Mining Company
P.O. Box 1245
Huntington, Utah 84528

RE: Proposed
Assessment for
State Violation
No. N83-5-2-2
ACT/015/025

Dear Mr. Owen:

The undersigned has been empowered by the Board of Oil, Gas and Mining to act as the Assessment Officer and conduct informal conferences on violations and assessments.

Enclosed you will find the proposed civil penalty assessment for the afore referenced violation(s). The aforesaid violation(s) was issued by Division Inspector John J. Whitehead on the 4th of February 1983. I have utilized Rule UMC/SMC 845.2 et seq to formulate the proposed penalty.

A request for an assessment conference must be submitted within thirty (30) days after receipt of this letter. Should you request an assessment conference you may contest either the occurrence of the violation, the proposed penalty or both.

If no timely request for an assessment conference is made, I shall review all pertinent data and make a final penalty assessment. The fine assessed must be paid to the Division of Oil, Gas and Mining within thirty (30) days of receipt of the proposed assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

Mr. Wendell Owen
ACT/015/025
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You should further be aware that a request, after an assessment conference, to appear before the Board of Oil, Gas and Mining will not be granted unless the proposed penalty monies are properly and timely escrowed with the Division of Oil, Gas and Mining.

Sincerely,



RONALD W. DANIELS
ACTING ASSESSMENT
OFFICER

RWD/lm

cc: Jodie Merriman, OSM
Barbara Roberts, A. G.'s Office
Joe Helfrich, DOGM

ASSESSMENT WORKSHEET

NOV# N83-5-2-2PERMIT# ACT/015/025Name of Company Co-op Mining CompanyViolation # 1 of 2POINTS

1. History of previous violations	<u>2</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>--</u>
(2) Extent of potential or actual damage	<u>--</u>
B. Obstruction to enforcement	<u>13</u>
Total Seriousness	<u>13</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>

TOTAL POINTS 23ASSESSMENT \$ 260.00Violation # 2 of 2POINTS

1. History of previous violations	<u>2</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>12</u>
(2) Extent of potential or actual damage	<u>16</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>28</u>
3. Negligence	<u>8</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>

TOTAL POINTS 38ASSESSMENT \$ 560.00

ASSESSMENT EXPLANATION

NOV# N83-5-2-2

PERMIT# ACT/015/025

Name of Company Co-op Mining Company

Violation # 1 of 2

History of previous violations: = 1 pt., Order to Show Cause ACT/015/025 is pending,
N81-3-17-1 eff. 7/8/82 = 1 pt., N82-1-5-1 eff. 8/8/83
N82-5-2-10 is pending, C83-5-1-4 is pending. TOTAL = 2 points.
Seriousness: (either A or B)

A. (1) Probability of occurrence:

(2) Extent of actual or potential damage:

B. Obstruction to enforcement:

The violation, failure to conduct coal mining operations under permits issued by the Division, is deemed to have prevented inspectors from determining if the operator was in compliance with the Act and rules and regulations in his installation of a septic tank and associated facilities. 13 points.

Negligence: ORDINARY NEGLIGENCE 8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

ASSESSMENT EXPLANATION

NOV# N83-5-2-2

PERMIT# ACT/015/025

Name of Company Co-op Mining Co./Bear Creek Canyon

Violation # 2 of 2

History of previous violations: See 1 of 2 for details. 2 points.

Seriousness: (either A or B)

A. (1) Probability of occurrence:

The violation, failure to design construct and maintain diversions and failure to maintain sediment control measures is deemed to have resulted in the likely occurrence of water pollution by suspended solids. 12 points.

(2) Extent of actual or potential damage:

Damage, if it occurs, will leave the minesite. 16 points.

B. Obstruction to enforcement: -----

Negligence: ORDINARY NEGLIGENCE 8 points.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED