



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

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

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

0021

April 7, 1983

CERTIFIED RETURN RECEIPT REQUESTED

1324 743 353

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

RE: Proposed Assessment for
State Violation No. N83-5-5-3
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 aforereferenced violation(s). The aforesaid violation(s) was issued by Division Inspector John Whitehead on the 10th day of March, 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 fifteen (15) 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 finalized assessment. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

A petition to appeal the results of the assessment conference to the Board of Oil, Gas and Mining must be received within fifteen (15) days from the date of service of the finalized assessment along with the assessed penalty which shall be escrowed with the Division of Oil, Gas and Mining pending the outcome of the Board Hearing.

Mr. Wendell Owen
April 7, 1983
Page 2

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/gb

cc: Jodie Merriman, OSM Albuquerque
Joe Helfrich, DOGM
Barbara Roberts. Atty

ASSESSMENT WORKSHEET

NOV# N83-5-5-3PERMIT# ACT/015/025Name of Company Coop Mining Company

Violation #	of	POINTS
1.	<u>1</u>	<u>2</u>
2.	<u>3</u>	
A.	(1) Probability of occurrence	<u>17</u>
	(2) Extent of potential or actual damage	<u>4</u>
B.	Obstruction to enforcement	<u>--</u>
	Total Seriousness	<u>21</u>
3.	Negligence	<u>15</u>
4.	Good Faith (Will be considered after complete information is received)	<u>--</u>
	TOTAL POINTS	<u>38</u>
	ASSESSMENT	<u>\$ 560.00</u>

Violation #	of	POINTS
1.	<u>2</u>	<u>2</u>
2.	<u>3</u>	
A.	(1) Probability of occurrence	<u>18</u>
	(2) Extent of potential or actual damage	<u>20</u>
B.	Obstruction to enforcement	<u>--</u>
	Total Seriousness	<u>38</u>
3.	Negligence	<u>23</u>
4.	Good Faith (Will be considered after complete information is received)	<u>--</u>
	TOTAL POINTS	<u>63</u>
	ASSESSMENT	<u>\$ 1,620.00</u>

ASSESSMENT WORKSHEET

NOV# N83-5-5-3

PERMIT# ACT/015/025

Name of Company Coop Mining Company

Violation # 3 of 3

POINTS

1. History of previous violations	<u>2</u>
2. Seriousness (either A or B)	
A. (1) Probability of occurrence	<u>17</u>
(2) Extent of potential or actual damage	<u>20</u>
B. Obstruction to enforcement	<u>--</u>
Total Seriousness	<u>37</u>
3. Negligence	<u>15</u>
4. Good Faith (Will be considered after complete information is received)	<u>--</u>
TOTAL POINTS	<u>54</u>
ASSESSMENT	<u>\$ 1,140.00</u>

Violation # -- of --

POINTS

1. History of previous violations	<u> </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> </u>
Total Seriousness	<u> </u>
3. Negligence	<u> </u>
4. Good Faith (Will be considered after complete information is received)	<u> </u>
TOTAL POINTS	<u> </u>
ASSESSMENT	<u>\$ </u>

ASSESSMENT EXPLANATION

NOV# N83-5-5-3

PERMIT# ACT/015/025 - Bear Canyon Mine

Name of Company Coop Mining Company

Violation # 1 of 3

History of previous violations: N81-3-17-1 eff. 7/8/82 = 1pt., N82-1-5-1 eff. 8/8/83 = 1pt.
Order to show cause ACT/015/025 is pending. N82-5-2-10 is pending. Total = 2pts.

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to adequately protect topsoil is deemed to have resulted in an impaired revegetation potential for final reclamation. 17 pts.

(2) Extent of actual or potential damage: Damage remains within the permit area.
4 pts.

B. Obstruction to enforcement: ----

Negligence: ORDINARY NEGLIGENCE 15 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED -----

ASSESSMENT EXPLANATION

NOV# N83-5-3-3

PERMIT# ACT/015/025

Name of Company Coop Mining Company

Violation # 2 of 3

History of previous violations: 2 pts. see 1 of 3 for detail.

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to design and construct sediment control measures which prevent contributions of sediment to streamflow, is deemed to have resulted in water pollution to Bear Creek. 18 pts.

(2) Extent of actual or potential damage: Damage extends off the permit area and may contain oil and grease. 20 pts.

B. Obstruction to enforcement: ----

Negligence: ~~ORDINARY-NEGLIGENCE~~ Knowing and willful. 23 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED ----

ASSESSMENT EXPLANATION

NOV# N83-5-3-3

PERMIT# ACT/015/025

Name of Company Coop Mining Company

Violation # 3 of 3

History of previous violations: 2 pts. see 1 of 3 for detail.

Seriousness: (either A or B)

A. (1) Probability of occurrence: The violation, failure to conduct underground coal mining activities so as to minimize changes to the hydrologin balance, is deemed to have resulted in water pollution to Bear Creek. 17 pts.

(2) Extent of actual or potential damage:
Damage extends off the permit area. 20 pts.

B. Obstruction to enforcement: ----

Negligence: ORDINARY NEGLIGENCE 15 pts.

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED ----