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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

FILE

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

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

July 30, 1985

REGISTERED RETURN RECEIPT REQUESTED
P 402 457 699

Mr. Nathan Atwood
Co-Op Mining Company
P. O. Box 300
Huntington, Utah 84528

Dear Mr. Atwood:

RE: Finalized Assessment for State Violation Nos. N85-4-8-2, N85-4-3-2, N85-4-2-1, ACT/015/025, Folder #8, Emery County, Utah

The civil penalty for the violation No. N85-4-8-2, N85-4-3-2, N85-4-2-1 has been finalized in the amount shown in the attached assessment conference report. This assessment is finalized as a result of the meeting, discussion or letter described on the reassessment form.

Any appeal to the Board of Oil, Gas and Mining must be made in writing within fifteen (15) days of your receipt of this letter. Additionally, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter but in all cases prior to the Board Hearing. Failure to comply with the above-stated statutory requirements shall result in a waiver of your right of further recourse.

If no appeal or an untimely improper appeal is made, the assessed civil penalties must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Dianne R. Nielson".
for Constance K. Lundberg
Acting Assessment Officer

re
cc: Donna Griffin, OSM Albuquerque
Joe Helfrich
Barbara Roberts
03900

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N85-4-8-2

Permit # ACT/015/025

Violation 1 of 2

(a) Nature of violation: Work done to develop Hiawatha seam without approval.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>18</u>	<u>15</u>
Extent of Damage	<u>3</u>	<u>3</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>25</u>	<u>25</u>
(d) Good Faith		
TOTAL	<u>52</u>	<u>49</u>
	TOTAL ASSESSED FINE	<u>\$ 960</u>

3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Points reduced because material disturbed was fill not original material.

0013Q

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N85-4-8-2

Permit # ACT/015/025

Violation 2 of 2

(a) Nature of violation: Culvert blocked with ice.

2. Conference Result	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>14</u>	<u>14</u>
Extent of Damage	<u>21</u>	<u>21</u>
(2) Obstr. to Enforcement		
(c) Negligence	<u>28</u>	<u>28</u>
(d) Good Faith		
TOTAL	<u>69</u>	<u>69</u>
	TOTAL ASSESSED FINE	<u>\$ 3,000</u>

3. Narrative:
(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Evidence was that operator was aware of the problems with the iced-up culverts and used insufficient diligence to cure it.

0013Q

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N85-4-3-2Permit # ACT/015/025Violation 1 of 2(a) Nature of violation: Operations without a permit

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>6</u>	<u>6</u>
(b) Seriousness		
(1) Probability of Occurrence	<u>18</u>	<u>15</u>
Extent of Damage	<u>1</u>	<u>0</u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>18</u>	<u>2</u>
(d) Good Faith	<u> </u>	<u> </u>
TOTAL	<u>43</u>	<u>23</u>
	TOTAL ASSESSED FINE	<u>\$ 260.00</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

State approval of drainage was misconstrued. Operator was mistaken as to permit status. Operator is admonished to be more meticulous in communications with State.

0013Q

ASSESSMENT CONFERENCE REPORT
(continued)

1. Notice of Violation/Cessation Order No. N85-4-3-2

Permit # ACT/015/025

Violation 2 of 2

(a) Nature of violation:

2. Conference Result

	<u>Proposed Assessment</u>	<u>Conference Assessment</u>
(a) History/Prev. Vio.	<u>6</u>	_____
(b) Seriousness		
(1) Probability of Occurrence	<u>5</u>	_____
Extent of Damage	<u>9</u>	_____
(2) Obstr. to Enforcement	_____	_____
(c) Negligence	<u>25</u>	_____
(d) Good Faith	_____	_____
TOTAL	<u>45</u>	<u>0</u>
	TOTAL ASSESSED FINE	\$ <u>0</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Vacated by inspector Lof upon presentation of evidence of DOGM disapproval of plans, no new plans approved.
0013Q

ASSESSMENT CONFERENCE REPORT
Utah Division of Oil, Gas & Mining
4241 State Office Building
Salt Lake City, Utah 84114

NOV/CO No. N85-4-2-1

Location of Conference: Salt Lake City, Utah

Date of Conference: July 16, 1985

Company Name/Mine Name: Co-Op Mining Company / Bear Canyon Mine ACT/015/025

Persons in Attendance

Representing

Constance P. Lundberg
David Lof
Mel Coonrod
Wendell Owen

Assessment Conference Officer DOGM
Division of Oil, Gas and Mining
Co-Op Mining Company
Co-Op Mining Company

Violation No.

Amount of Assessment
As Revised

N85-4-2-1, #1 of 1

\$ Vacated

TOTAL

\$ 0

Approved: *James R. Nelson*
(Signature of Conference Officer)

Date: July 30, 1985

for Constance P. Lundberg

ASSESSMENT CONFERENCE REPORT
(continued)1. Notice of Violation/Cessation Order No. N85-4-2-1Permit # ACT/015/025Violation 1 of 1(a) Nature of violation: Blockage of culvert with snow

2. Conference Result	Proposed Assessment	Conference Assessment
(a) History/Prev. Vio.	<u>6</u>	<u> </u>
(b) Seriousness		
(1) Probability of Occurrence	<u>10</u>	<u> </u>
Extent of Damage	<u>12</u>	<u> </u>
(2) Obstr. to Enforcement	<u> </u>	<u> </u>
(c) Negligence	<u>11</u>	<u> </u>
(d) Good Faith	<u>-18</u>	<u> </u>
TOTAL	<u>57</u>	<u>0</u>
	TOTAL ASSESSED FINE	<u>\$ 0</u>

3. Narrative:

(Brief explanation of reasons for any changes made in assignment of points and any additional information that was presented at the conference.)

Evidence is that culvert blockage was a temporary and unavoidable condition during snow removal. Violation vacated.

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