

cc Aug Mine Site

0029

MEC Mangum
Engineering
Consultants

6 April 1993 388 East Boynton Road • Kaysville, Utah 84037 • (801) 544-3641

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APR 07 1993

Joseph C. Helfrich
Assessment Officer
Utah Division of Oil Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**DIVISION OF
OIL GAS & MINING**

Re: Proposed Assessment for State Violations No. N93-35-1-1, Co-Op Mining Co., Bear Canyon Mine, ACT/015/025, Emery County, Utah

As an agent of Co-Op Mining Co. I request that an *assessment conference* to review the violation and proposed penalty be scheduled. The following comments refer to the violations.

ASSESSMENT

II. SERIOUSNESS
A. Event Violations

- 2. Comments state that "...runoff water flowed into the steam buffer zone. No evidence of water reaching Bear Creek was found. The water pollution affected the buffer zone between the ditch and Bear Creek.". The full 20 points were given. No consideration is given to the amount of flow or the actual potential for the flow to cause the damage. No description of any damage or "affect" is given. The event; "Damage to Property; Environmental Harm; and Water Pollution" did not occur. A larger flow volume or duration causing erosion, off-site hazardous material or sediment loading (water pollution) would be required for the event to have "occurred". Scheduled maintenance would have prevented any actual damage. The flow out of the drainage was only a small portion of the runoff, caused due to ice in the drainage.
- 3. Although the points assigned are in the lower one third of the range, the actual and potential damage was "minimal". The worst case scenario should be considered as a gauge for the assessment. When compared to the worst case, complete breach of the channel under maximum flow, reaching Bear Creek, points should be in the lower ten percentile. Small amounts of moisture flowing on the surface without erosion cannot be considered damage. Following the thaw of the snow, in place during the inspection, there is no evidence of the flow out of the drainage channel.

III. NEGLIGENCE

The explanation given is broad in scope and does represent the specific circumstances. Scheduled maintenance would have noted the potential problem and rectified it prior to any actual damage. The ice formation which had caused the breach had apparently occurred within 3 hours of the inspection and maintenance was scheduled for that same day and would have found it within one hour. This was the first day with a thaw significant enough to cause flow in this channel.

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IV. GOOD FAITH

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Abatement measures were completed within 45 minutes. The explanation states that "abatement measures were taken immediately." All that was required was the breaking up of the ice in the channel. The maximum good faith points should be assigned.

Please notify me and the *Resident Agent* of Bear Canyon Mine when a conference can be scheduled.

Resident Agent: Mr. Wendell Owen
P.O. Box 1245
Huntington, Utah 84528

Thank you for your cooperation in this matter.



Kimly C. Mangum, P.E.
Permitting & Compliance Consultant.

cc: Co-Op Mining Co.