



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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July 2, 1993

CERTIFIED RETURN RECEIPT REQUESTED
P 074 975 429

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

Dear Mr. Owen:

Re: Finalized Assessment for State Violation #N93-35-1-1, Co-Op Mining Company, Bear Canyon Mine, ACT/O15/O25, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO

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

COMPANY/MINE Co-Op Mining Company/Bear Canyon mine NOV #N93-35-1-1

PERMIT # ACT/015/025 VIOLATION 1 of 1

Assessment Date 7/1/93 Assessment Officer Ronald W. Daniels

Nature of Violation: Failure to Maintain ditches.

Date of Termination: 2/11/93

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>2</u>	<u>2</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>8</u>	<u>8</u>
(b) Hindrance to Enforcement	<u> </u>	<u> </u>
(3) Negligence	<u>12</u>	<u>8</u>
(4) Good Faith	<u>-15</u>	<u>-17</u>
Total Points	<u>27</u>	<u>21</u>
TOTAL ASSESSED FINE		\$ <u>220.00</u>

NARRATIVE:

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

The inspector indicated in the conference that the inspection occurred on February 10, 1993, and that the violation was issued on February 11, 1993, by mail, even though the effective date of termination was while the inspector was still on site on February 10, 1993.

Negligence is considered to be "ordinary" in this case and is deemed to be better assessed at mid-range. The inspection occurred early in the day, prior to the operator's daily inspection planned for that day, when the basis of the violation which was a naturally occurring ice dam would have been discovered and corrected. This is deemed to be ordinary negligence.

The violation is deemed to have required "easy" abatement steps for correction. The compliance efforts undertaken by the operator are deemed to have taken place immediately following NOV issuance, thus immediate compliance is deemed to have occurred. Good faith points are adjusted accordingly.

jbe