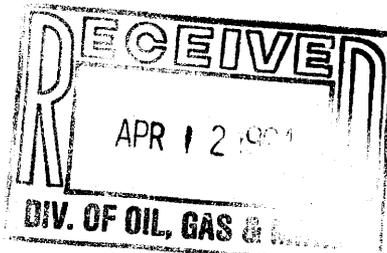


388 East Boynton Road • Kaysville, Utah 84037 • (801) 544-3641 (801)547-9887

11 April 1994

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



Re: Proposed Assessment for State Violations No. N94-35-1-1, Co-Op Mining Co., Bear Canyon Mine, Emery County, Utah

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

ASSESSMENT

II. SERIOUSNESS B. Hindrance Violations

1. Comment states that "Information revealed that the sediment pond waste was not analyzed according to the methodology referenced in the approved permit." No explanation is given as to the extent to which enforcement was "hindered" by the event.

It is not clear how the event constitutes a potential or actual hindrance to enforcement. Table 3K-1 clearly states that the laboratory methodology listed is "Suggested" only. The methodology used on the samples tested is EPA approved and the test results have not been disputed by the Division. All terms and conditions of the permit, and all applicable standards and requirements of the State Program were met and no violation is warranted. (R645-300-143)

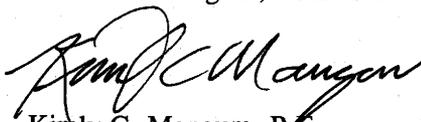
III. NEGLIGENCE

The "specific permit condition" violated by the permittee has not been identified by the Division. No action is required by the permittee for the stated "exceedence of selenium and boron". The permit requirements for the sediment pond material were followed as specified.

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,

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

cc: Co-Op Mining Co.