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

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May 19, 1994

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 978 409

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

Re: Finalized Assessment for State Violation #N94-35-1-1, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

Dear Mr. Owen:

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,

A handwritten signature in cursive script that reads "Ronald W. Daniels".

Ronald W. Daniels  
Assessment Conference Officer

sm  
Enclosure  
cc: Bernie Freeman, OSM, AFO



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

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

PERMIT # ACT/015/025 VIOLATION 1 of 1

Assessment Date 5/19/94 Assessment Officer Ronald W. Daniels

Nature of Violation:

Failure to follow the approved plan in sampling and analyzing sediment pond waste.

Date of Termination: Hindrance - no abatement prescribed.

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>5</u>	<u>5</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>        </u>	<u>        </u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>16</u>	<u>16</u>
(3) Negligence	<u>20</u>	<u>10</u>
(4) Good Faith	<u>16</u>	<u>16</u>
Total Points	<u>41</u>	<u>31</u>
TOTAL ASSESSED FINE		\$ <u>420.00</u>

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

The operator made the argument for, and the assessment officer agreed that, the violation fell in the middle category of negligence. That is that the degree of fault involved indifference, lack of diligence, or lack of reasonable care on the part of the operator. Points are adjusted according to that category.