

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Lodestar Energy, Inc. / White Oak Mines NOV 1990 # NO 2-46-3-1
Permit # C/007/001 Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is NOT the same as the violation. Mark and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

Explanation: *The impact occurred in 1986 (when discovered) when the permittee attempted to cross a fault at an acute angle in order to access the lower seam from the # 9 or upper mine. Lodestar Energy submitted a plan to reclaim the area, but failed to follow that*

2. Has the event occurred? Yes No

Yes: Describe it. *The permittee failed to follow the approved reclamation plan.*
 No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: *Due to a recent loss of Engineering Dept. personnel, the permittee was not able to have a representative on site when the work was performed. The contractor was on site 2-3 hours and same had a copy of the approved plan.*

3. Did any damage occur as a result of the violation?

No.

Yes: Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation:

→ However, the contractor did not follow the approved plan. When the permittee arrived to inspect the work, the contractor had removed the trackhoe from the site.

Division approved plan.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss.)

- Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation:

The contractor finished the project and pulled the trackhoe from the site before allowing Dave Miller to inspect the work. The permittee is responsible for making the contractor complete the work according to

~~() Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.~~

~~Explanation:~~

the approved plan. Following the 11/6 inspection, Mr. Dave Miller verbally agreed to return to the project and complete the work according to the approved plan.

- () If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation:

- () Was the operator in violation of a specific permit condition?

Explanation:

- () Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation:

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO?
Yes ___ No If yes, explain.

The permittee's contractor failed to follow the approved plan, ~~leaving~~ leaving a vertical embankment on the North end of the impact. The approved plan calls for a reshaping of the area about the full perimeter of the impact.

Peter Hess
Authorized Representative

#46

Peter N. Hess
Signature

12/23/02
Date