

## EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Lodestar Energy, Inc/White Oak Mine  
Permit #: C/007/001

NOV # 04-39-2-1  
Violation # 1 of 1

### A. SERIOUSNESS

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

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

Explanation: The undisturbed culvert inlet was completely covered up with spoil material. The undisturbed water will now pass through the disturbed area and go to the sediment pond. The sediment pond is not designed to treat the additional quantity of water. The quality of the undisturbed water will most likely be de-graded by passing through the disturbed area.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The undisturbed culvet inlet is covered with spoil material; therefore, the culvert cannot function as designed. The additional quantity of water entering into the sediment pond is dependent on snow cover, changing temperature, and ground conditions.

3. Did any damage occur as a result of the violation? No

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

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Explanation: No damage at this time has occurred. This could change in the spring as the temperature increases. The melting snow from the undisturbed area could pass through the disturbed area and enter the sediment pond. The sediment pond is not designed to handle the additional quantity of water. The quality of the water could be de-graded by adding additional suspended solids to the water. Damage could occur off the permit area.

**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: \_\_\_\_\_

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

Explanation: \_\_\_\_\_

- 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: The potential environmental harm should have been evident since additional water from the undisturbed area could enter the sediment pond. The sediment pond is not designed to treat the additional quantity of water.

- 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 date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The permittee has 30 days to unplug the culvert or ask for an extension due to weather conditions. The permittee would need to contract the work to unplug the culvert. The work could be done within the 30 days. If weather conditions do not change, the road would need snow removal.

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

Explanation: The permittee does not have the necessary equipment to uncover the inlet to the culvert. The permittee will need to contract the work from a local contractor.

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

Explanation: \_\_\_\_\_

Stephen J. Demczak  
Authorized Representative

\_\_\_\_\_  
Signature

February 17, 2004  
Date