

Document Information Form

Mine Number: C/007/004

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: N/A

Explanation:

INSPECTOR'S STATEMENT.

cc:

File in: C/007, 004, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No 0019 Date _____

In C/ 007, 004, Internal

For additional information _____

NOV/CO # 81-3-2-6
VIOLATION # 1 of 6

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

Inspectors could not determine if area in question was part of activities addressed under an approved mining and reclamation plan.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

It is felt that the operator was indifferent to the problem of permitting this area.

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

Good Faith cannot be awarded since the violation has not been abated.

2/6/81

Date

Thomas J. Patti

Authorized Representative

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

Increased Potential for Environmental degradation resulting from mining activity on a disturbed site prior to addressing stipulations and performance standards.

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

Mining activity on a disturbed site lacking environmental safeguards as required by the regulatory authority.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

cannot be adequately determined

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

Topsoil is presently located off permit area.

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

Received prior warning 1/27/81.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

2/6/81

Date

Thomas J. Poett

Authorized Representative

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

contamination, degradation and loss of topsoil
compaction of topsoil

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

contamination - likely
erosion - possible - wind-likely
compaction - likely

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

compaction - off permit area

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

contamination - off permit

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

ordinary negligence

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

2/6/81

Date

Thomas J. Powell

Authorized Representative

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.) *water pollution (TSS)*

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

*Little
No runoff actually reached watercourse
Any precipitation or snow melt would cause runoff to enter watercourse.*

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

*None
offsite*

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

*Probable increased TSS to watercourse
- offsite*

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

*operator was indifferent to the need to ~~implement~~
implement sediment controls in this area.*

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

none since NOV has yet to be abated

2/6/81

Date

Thomas J. Powell

Authorized Representative

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.) *WATER POLLUTION (TSS)*

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

*LIKELY
NO RUNOFF REACHED STREAM COURSE
ANY PRECIPITATION OR SNOW MELT EVENT DIST. AREA IS ADS. TO STREAM COURSE*

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

*NONE
OFF SITE*

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

*POSSIBLE INCREASED TSS TO STREAM COURSE IN EXCESS OF EFF LIM.
OFF SITE*

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7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

YES (APPROVED AIR PLAN) PREVIOUS WARNING

~~NO~~ ~~PREVIOUS WARNING~~

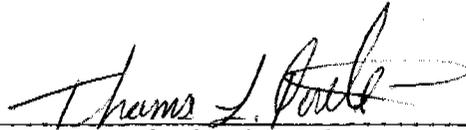
LETTER TO ROB WILLY 1-27-81
(see below)

III. Good Faith

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2/6/81

Date



Authorized Representative

(9 cont.) It is noteworthy to the operator's benefit that the operation was caught in a "tug-of-war" between OSM and Public Health with regard to the implementation of sediment control structures. Public Health required design criteria on the above mentioned sediment structures while the Division's Stipulations required their implementation as part of site preparation - to precede other surface development activities. Price River Coal Company ~~opted~~^{chose} to proceed with development activities in a manner which was not in accord with their stipulations.

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

*WATER POLLUTION
SEDIMENT LOADING (STREAM COURSE WAS COMPLETELY BLOCKED)
AQUATIC INSECT DEGRADATION
AQUATIC INVERTEBRATE HABITAT DEGRADATION*

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

LIKELY, THE EVENT WOULD OCCUR DURING ANY PERIOD OF STREAM FLOW

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

*1) STREAM COURSE HAS BEEN COMPLETELY BLOCKED IN TWO LOCATIONS
2) DAMAGE EXTENDS OFF THE PERMIT AREA*

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

*YES REFER TO # 1
BLOCKED STREAM COURSE
ADDITIONAL DEGRADATION TO STREAM COURSE (TSS)*

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5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

ORDINARY NEGLIGENCE

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

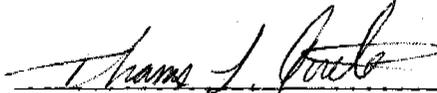
III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

CAN NOT BE DETERMINED UNTIL NOV HAS BEEN TERMINATED

2/6/81

Date



Authorized Representative