

Document Information Form

Mine Number: C 1007/004

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: N/A

Explanation:

INSPECTOR'S STATEMENT

cc:

File in: C 1007 004, Internal

Refer to:

- Confidential
- Shelf
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Date _____ For additional information

File in:
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In C/ 607, 004, Internal
For additional information _____

NOV/CO # NB2-4-17-2
VIOLATION # 1 of 2

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 AND DISTURBANCE OF BUFFER ZONES

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?)

APPROXIMATELY 50 YDS. OF BERM (SEPARATING THE DISTURBED AREA FROM THE BUFFER ZONE ALONG THE PRICE RIVER), SOME COAL AND SEVERAL CUBIC YARDS OF SNOW FROM THE DISTURBED AREA WERE PUSHED TO THE EDGE OF THE BANK ABOVE THE RIVER. THE BERM WAS DESTROYED AND DISPLACED APPROX. 30 FT. FORTUNATELY IT WAS TOO COLD FOR THE SNOW TO MELT AT THE TIME OF THE INSPECTION. IT APPEARED THAT THE BERM HAD BEEN

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?~~ *NEXT PG.*

NO DAMAGE HAS OCCURRED

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?

CONSIDERABLE DAMAGE COULD HAVE OCCURRED. THE CONTAMINATED SNOW COULD HAVE MELTED AND CONTRIBUTED SUSPENDED SOLIDS TO THE PRICE RIVER. RUNOFF FROM THE NEW COAL STACKING TUBE AREA COULD FREELY FLOW INTO THE RIVER. DAMAGE WOULD HAVE EXTENDED OFF THE PERMIT AREA.

(B) Obstruction to Enforcement Violations (answers 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.

THE VIOLATION WAS A RESULT OF LACK OF REASONABLE CARE. THE OPERATOR SAID THE BUFFER ZONE SIGNS WERE IN PLACE. I CHECKED TWICE VERY CAREFULLY AND COULD FIND NO SIGNS, NOR ANY EVIDENCE THAT THEY HAD BEEN IN PLACE.

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.~~

RAPID COMPLIANCE WAS ACHIEVED ON AN EASY ABATEMENT SITUATION

12/27/82
Date

David L.
Authorized Representative

2.) CONT. BROKEN DOWN JUST A DAY OR TWO BEFORE THE INSPECTION. IF BUFFER ZONE SIGNS HAD BEEN IN PLACE IT IS LIKELY THAT THE ACCIDENT WOULD NOT HAVE HAPPENED. THE EVENT OF WATER POLLUTION WOULD HAPPEN UPON THE TEMP. RISING ABOVE FREEZING.