

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: CI 007, 004, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No. 0013 Date _____

In C/ 007, 004, Internal

For additional information _____

NOV 1982 # 82-4-12-2
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*

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?) *The event has occurred based on evidence at the points where disturbed area drainage left the minesite. Runoff from the disturbed area has left the permit area untraced at two different locations and entered the undisturbed ephemeral channel.*

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?~~ *The exact extent of damage cannot be quantified. The damage does extend off the permit area. The undisturbed stream channel has been previously impacted by mining activities which occurred prior to the passage of current reclamation legislation (ie coal fines, trash, oil and gas contamination)*

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? *The amount of damage cannot be quantified. The undisturbed drainage would have continued to be impacted by runoff from the mine site (ie additional suspended sediments, oil and gas contamination, coal fines).*

(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. *The violation was a result of lack of reasonable care by the operator. A regular maintenance program would have rectified the situation.*

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.~~

10/25/82
Date

John Whithead for Dave Lot
Authorized Representative