

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
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 In C/ 007, 004, Internal _____
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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?)

PART A.1. APPROX. 50 YDS. OF BERM WAS BROKEN DOWN (AS DISCUSSED IN THE INSPECTOR STATEMENT FOR VIOLATION #1 OF 2) AND ANOTHER SMALL SECTION OF BERM WHICH WAS PREVENTING DISTURBED AREA RUNOFF FROM MIXING WITH WATER FROM A BROKEN WATER MAIN WHICH WAS FLOWING INTO THE PRICE RIVER, WAS BROKEN DOWN ALLOWING DISTURBED AREA RUNOFF TO MIX WITH THE UNDISTURBED WATER AND FLOW INTO THE RIVER AT A RATE < 5 GPM. NEXT PAGE

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?

A.1. THE RUNOFF FROM THE DISTURBED AREA HAD OCCURRED FOR A DAY OR TWO PRIOR TO THE INSPECTION. THE RUNOFF DEFINITELY EXCEEDED EFFLUENT LIMITATIONS HOWEVER A SAMPLE WAS UNOBTAINABLE BECAUSE OF THE SMALL AMOUNT OF FLOW. DAMAGE DID EXTEND OFF THE PERMIT AREA. NEXT PAGE.

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 WOULD HAVE CONTRIBUTED ADDITIONAL SUSPENDED SOLIDS TO RUNOFF OUTSIDE THE PERMIT AREA. DISTURBED AREA RUNOFF FROM THE NEW COAL STACK TUBE PAD COULD HAVE FLOWED OFF SITE INTO THE PRICE RIVER CONTRIBUTING ADDITIONAL SUSPENDED SOLIDS.

(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.

PART A.1. ~~THE~~ THIS PORTION OF THE NOV WAS DUE TO LACK OF REASONABLE CARE.

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.

PART A.2. AND B.1. THE OPERATOR HAD RECEIVED THREE PREVIOUS WARNINGS CONCERNING SNOW REMOVAL. 1) DURING A FEB. 9, 1982 PARTIAL INSPECTION (SEE ATTACHED 2/22/82 MEMO) 2) 2/23/82 LETTER FROM THE DIVISION TO ALL COAL OPERATORS CONCERNING SNOW-WASTE REMOVAL (SEE ATTACHED LETTER) 3) DURING THE NOVEMBER

III. Good Faith

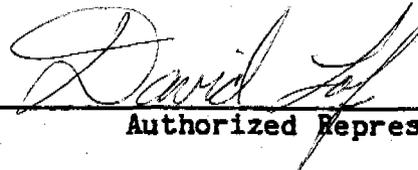
10. ~~In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what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

CONTINUED
BELOW

THE NOV HAS NOT YET BEEN TERMINATED.

12/27/82

Date



Authorized Representative

(2) CONTINUED

PART A.2. DISTURBED AREA SNOW ^(215 YD) FROM THE NEW COAL STACKING TUBE PAD WAS PUT IN THE UNDISTURBED RUNOFF DIVERSION NORTH OF THE PAD. THE EVENT WOULD OCCUR ONCE THE TEMP. REACHED 32° OR HIGHER.

PART B.1. SEVERAL CUBIC YARDS OF SNOW FROM THE DISTURBED AREA WAS PUSHED INTO THE MAIN UNDISTURBED RUNOFF CHANNEL. THE EVENT WOULD OCCUR ONCE THE TEMP. REACHED 32° OR HIGHER.

(3) CONTINUED

PARTS A.2. AND B.1. LITTLE IF ANY DAMAGE OCCURRED

(4) CONTINUED

PARTIAL INSPECTION MR. WILEY WAS REMINDED ABOUT SNOW REMOVAL CONCERNS. (SEE ATTACHED 12/8/82 MEMO, PG. 2, PARAGRAPH 3)