

Document Information Form

Mine Number: C/007/005

File Name: Internal

To: DOGM

From:

Person N/A

Company UTAH FUEL COMPANY.

Date Sent: N/A.

Explanation:

HINDRANCE TO ENFORCEMENT VIOLATIONS INSPECTOR STATEMENT.

cc:

File in: CI 007, 005, Internal

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

COMPANY/MINE Utah Fuel Co / Skyline NOV/00 # 85-2-19-2
 PERMIT # ACT/007/005 VIOLATION # 2 of 2

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

A. HINDRANCE TO ENFORCEMENT (Answer for hindrance violations only such as violations concerning recordkeeping, monitoring, plans and certification).

1. Describe how violation of this regulation actually ✓ OR potentially (check one) hindered enforcement by DOGM and/or the public and explain the circumstances. Utah Fuel Co. did not notify DOGM that they intended to bypass the sediment control facility, it was first discovered on inspection 8/28/85. I returned to DOGM office to find out if anyone had admitted it or reviewed plans & no one was aware of it, Utah Fuel did not have a State Health approval then or later in an inspection 9/6/85. DOGM

B. DEGREE OF FAULT (Only one question applies to each violation. Check one and discuss.)

() No Negligence:

If you think this violation was 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.

() Ordinary Negligence:

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

See Utah Fuel letter 9/24/85 for Company's position. Keith Zobell told me they had no intention of abating NOV since they did not want to acknowledge DOGM authority.

() Recklessness:

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.

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was not aware of how the mine water (up to 200,000 gal/day) or runoff water was to be treated. DOGM had no knowledge of the amount of water to be ~~discharged~~ ~~over~~ bypassed ~~and~~ the ~~duration~~ of the bypass was unknown. The quality of the mine water discharge was first determined by DOGM on inspection 2/29/95. The water discharged appeared sufficient to meet limitations based quality of the

upon this inspector's observations but a representative sampling program & reporting requirements ^{were} ~~could not~~ be ~~affected by~~ investigated due to the lack of notice so DOGM can not be certain of the water quality discharged over the entire duration of the bypass.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Utah Fuel, and offered to grant approval if some questions were answered. His response was that DOGM could give them a permit but they wouldn't request one & he wouldn't answer Rick's questions. Rick Summers called Keith Walsh.

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

An extension was granted because they were cleaning the sediment pond (reason for the bypass) & needed to survey it.

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

Yes

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

Notification to DOGM of pretreatment provided would obtain approval. The copy instead ceased the bypass discharge once the survey was completed.

DATE

10/10/85

AUTHORIZED REPRESENTATIVE

[Signature]