

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: Canyon Fuel Company, LLC/Skyline Mine  
Permit #: C/007/005

NOV # N06-39-3-1  
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by  
DOGM and/or the public and explain the circumstances.

Explanation: The hydro was reviewing the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter water monitoring information in the EDS. The Hydro found several sites had incomplete information. She notified the supervisor and inspector and a violation was written for not following the requirements of the MRP.

- B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- Was the violation 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.

Explanation: \_\_\_\_\_

- Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: The permittee knew of problems in the MRP in early 2005 but did not take care of these problem ASAP. They assumed the EDS had the requirements of the MRP installed correctly. The MRP requirements were not complete in the EDS.

- 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.

Explanation: \_\_\_\_\_

- Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Yes, Condition #1 required the water information be entered into the EDS. Several sites had incomplete information.

- Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: No

**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.

Explanation: Yes, the permittee submitted a letter stating all possible information was enter into the EDS but some was missing and not available. This was done on the same day.

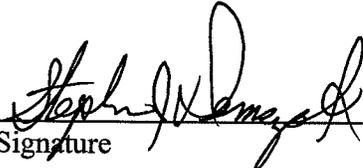
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Yes, the permittee emailed a letter ASAP.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: A letter stating all information has been entered into the EDS. If information was not available then the permittee stated that no information was available.

Stephen J. Demczak  
Authorized Representative

  
Signature

May 2, 2006  
Date