

## EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 21182  
Violation # 1 of 1

### A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input checked="" type="checkbox"/> | a. | Activity outside the approved permit area.                     |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input checked="" type="checkbox"/> | e. | Environmental harm.  |
| <input checked="" type="checkbox"/> | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Elevated iron discharge in mine water discharge noticed by citizen down stream from mine discharge. Offsite impact to the receiving waters Eccles Creek. Field sample from mine showed 2mg/l discharge limit is 1mg/l. Bottle samples pulled by mine. Results have not come back yet. Citizen took picture and a water sample, due to his concern to the fishery. Citizen spoke with mine personnel and was told that discharge was supposed to be diverted to sediment pond to prevent pollution to the stream, but the mine person responsible for increased flow took a short cut. This individual told the citizen that the responsible employee had been in trouble before for taking short cuts.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Elevated iron discharge see item 1.

3. Did any damage occur as a result of the violation? Yes

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Damage and mitigation, if any, is to be determined by DOGM Biologist and Hydrologist as well as DWR and USFS personnel once operator receives and submits results from bottle water samples. Damage, if any, could have been worse if not detected by citizen and the duration of discharge lasted longer. The duration of discharge was approximately 30 to 45 minutes.

**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: No, the operator or mine personnel were aware. They planned to increase the mine discharge flow and had back flushed the line into the mine prior to the increased discharge. See Item 1 for further explanation and knowledge. Estimated mine water discharge rate at time of iron exceedance was 1500 gpm.

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

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

- 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 a specific permit condition?

Explanation: MRP Section 4.11.8 (Underground Water Treatment) "Underground water is permitted to be pumped directly to Eccles Creek...when discharge parameters are met." Water Pollution.

- Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: NOV 10028 08/13/2008, vacated by Division Director 11/12/2008. Coal fines discharge from sediment pond into Eccles Creek three times over a week period. NOV issued after third discharge on 08/13/2008. First two discharges occurred on 08/07/2008.

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

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

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

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

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

Explanation: To be determined see item 3.

Karl R. Houskeeper  
Authorized Representative

  
Signature

June 2, 2016  
Date