

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Hiawatha Coal Co/Hiawatha Complex
Permit #: C/007/011

NOV # N02-49-02-1
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 operator was in violation of a specific permit condition and requirements of the coal rules, not P.E. certifying the quarterly inspections conducted on the MSHA approved refuse pile. Operator committed to P.E. certifying the quarterly inspection beginning second quarter 2002.

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: Operator indicated that they were not aware of the regulations requiring a quarterly P.E. Certification of the refuse pile inspections. Operator was also not aware of the commitment in their approved MRP to P.E. Certify the refuse pile inspections on a quarterly basis.

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: _____

~~RECEIVED
JUN 24 2002
DIVISION OF
OIL, GAS AND MINING~~

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

Explanation: Chapter V, page 3, R645-301-514.200 of the approved MRP indicates that the operator will conduct quarterly inspections of the refuse pile and that these inspections will be P.E. Certified.

- 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: _____

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: This was a paperwork violation, no abatement deadline is associated with this violation. The operator is required to certify the refuse inspections beginning the second quarter of 2002.

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

Explanation: Not applicable

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

Explanation: _____

Karl R. Houskeeper
Authorized Representative


Signature

June 17, 2002
Date