

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

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

NOV # 10004

**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: Failure to display an identification sign at the point of public access to the permit area from a public road.

**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: Willful and knowingly. The operator is aware of the regulations at R645-301-521.242. The operator was noified of the problem on three (3) prior inspections: November 9, 2006, December 24, 2006, and January 17, 2007. Citation 10004 was issued on the fourth inspection February 13, 2007 where the identification sign was not displayed for public view.

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 the MRP requires that an identification sign be posted with the appropriate information given to the public.

- 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: The abatement date was by February 16, 2007. The operator notified the Division on February 15, 2007 at 8:30 a.m. that the sign was now displayed properly. Division personnel verified that the sign was displayed at 9:33 a.m. on the same day as the notification.

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

Explanation: Not known. The sign is now anchored on two tee posts. Prior to the violation the sign was mounted on two wooden posts that rotted out. This site is not an active site.

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

February 15, 2007  
Date