

EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 10023
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.

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

Explanation: The Permittee hired an outside contractor to remove + dispose of the electrical transformers which, at one time, supplied power for the now dismantled tipple. The contractor dropped, or improperly slung the unit,

2. Has the even occurred?

Yes, on June 12, 2008 causing it to fail.
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: _____

3. Did any damage occur as a result of the violation? Transformer oil spilled and ran off the concrete pad, contaminating adjacent soils.
If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation:

The spill was not reported by the Permittee. It was first observed by the Division inspector on June 16, 2008, ~~the spill was not reported by the Permittee.~~
The oil did not leave the disturbed area, or the substation area.

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.

Explanation: Yes The Permittee contracted a professional salvage company (Aitte's Industrial Salvage) to perform the work. It appears that the contractor

- 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: _____ failed to properly evaluate and cradle the transformer prior to moving it.

- Was the operator in violation of a specific permit condition?

Explanation: No

- 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: _____

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: _____

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

Explanation: *The Permittee made the salvage contractor clean up the spill.*

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

Explanation: No

Peter Hess #46
Authorized Representative

Peter Hess
Signature

~~July 26, 2006~~
Date

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