

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

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

NOVTCO # 10026
Violation # 1 of 1

Violation Issued 7/2/2008

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 _ OR potentially _ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The Division determined in December of 2007 that the amount of reclamation bond which was posted for the Hiawatha Mine Complex was deficient. The Permittee was notified of the deficient amount on 12/21/2007.

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 maintenance of an adequate amount of bond is a condition of the permit, C/007/011. The Permittee was notified of a deficient amount in December, 2007. The bond amount had not been posted by () 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:

↓
June 30, 2008. CO # 10026 was ~~not~~ issued on July 2, 2008.

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

Explanation: *Maintaining an adequate bond amount is a condition of the permit.*

- 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.

The Permittee posted an additional cash bond amount of \$167,000 (total amount = \$3,005,000),

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

*on July 3, 2008
@ 4:50 PM.*

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

Peter Hess
Authorized Representative

Peter Hess
Signature

7/14/2008
Date