



HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Revised December 19, 2000

Company/Mine UtahAmerican Energy/Horse Canyon mine
Permit # C/007/013

NOV/CO # N2000-41-1-1
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 X OR potentially _ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The permittee had not submitted water monitoring data for the first quarter of 2000 for four sites and had not submitted discharge monitoring reports for April and May 2000. This information was not available at the resident agent's office during the December 7, 2000, complete inspection.

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:

(X) 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:

Coal mine operators routinely submit water monitoring data to the Division. On November 20 and 22, 2000, I requested all water monitoring data for the year 2000. The operator had not made any official submittals of water monitoring information this year. (Fourth quarter data was submitted electronically, but the Division had not received a letter or electronic mail to officially incorporate this data in the database. The Division had received informal submittals of other data.) On November 22, I told the resident agent specifically what first quarter monitoring data was needed and asked that this information be faxed. Since the information was incomplete, I again requested it during the inspection and issued a violation because it was again not available.

() 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:

- () 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 operator did not receive a copy of the violation before the abatement date (December 18, 2000), so I telephoned the resident agent on that date and discussed abatement requirements. The required information was faxed within a few hours, and electronic data submittal was completed by the end of the day.

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

The resident agent had the required information.

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

Paul B. Baker
Authorized Representative


Signature

December 11, 2000
Date