

March 18, 2009 @

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Utah American Energy/Horse Canyon Mine
Permit #: 0007/013

CO # 10035
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 Division sent a letter to the Permittee on October 8, 2008 notifying them that the financial strength rating of the surety providing the bond coverage for the permit area "A" area of the Horse Canyon Mine had fallen to a B+. R645-860.110 requires that sureties have a minimum A.M. Best rating of A- or better. The Permittee was given 120 days to replace the bond with a new surety with an acceptable rating. As of March 17, 2009, the Permittee had not done so. CO 10035 was issued on 3/17/2009 @ 5:03 PM (e-mail) and hard copied to the Permittee via the USPS on 3/18/2009.

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: It appears that the Permittee may be indifferent about complying with this section of the Coal Mining Rules.

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: _____

*E-mailed & Hardcopied
to Joe Helfrich 3/18/2009
PH*

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- 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.

Explanation: To date, (3/18/2009), the Permittee has not abated the CO. A period of 30 days has been given to the Permittee to replace the bond by an acceptable surety.

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

Explanation: NA

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

Explanation: _____

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Peter Hess
Authorized Representative

Peter Hess
Signature

March 18, 2009
Date

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