

0001

Document Information Form

Mine Number: C/007/020

File Name: Internal

To: DOGM

From:

Person N/A

Company N/A

Date Sent: N/A

Explanation:

Event Violations Inspector's Statement

cc:

File in: C/007/020 Internal

- Refer to:
- Confidential
 - Shelf
 - Expandable

Date _____ For additional information

COMPANY/MINE Horizon Coal Company
PERMIT # ACT\007\020

NOV/CO # N96-26-4-3
VIOLATION # 3 OF 3

EVENT VIOLATIONS INSPECTOR'S STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Check 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.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

*****Departure from soil guidelines outlined in the MRP namely: 3.4.4---"salvage as much soil as possible."**

*****Coal rules/performance standards - Fuel (diesel) was inadvertently drained from a fuel hose delivery truck. The operator and vendor estimated about a quart of fuel was deposited on an area where the topsoil had been harvested.**

2. Has the event occurred? Yes XXX No

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen?

*****The spill of diesel fuel only amounted to the fuel that had remained in the hose. The fuel is colored red (non-highway use) and it was deposited on snow covered ground, which was very visible. The spill abatement was completed in accordance with the SPCC plan.**

3. Would and/or does damage extend off the

*****The fuel and soil material was cleaned and**

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In C/ 007, 020, Internal

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3. Would and/or does damage extend off the disturbed and/or permit area?

*****The fuel and soil material was cleaned and disposed of per SPCC plan.**

DISTURBED AREA

PERMIT AREA

Would: Yes __ No__
Does: Yes __ No XXX

Would: Yes __ No__
Does: Yes __ No XXX

4. 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 damage would extend off the disturbed and/or permit area.

*****The prompt action by the operator prevented any serious on or off site impacts.**

Potential damage off the disturbed area. Yes __ No XXX
Potential damage off the permit area. Yes __ No XXX

- B. DEGREE OF FAULT (Only one question applies to each violation; check one and discuss.

No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

*****The fuel spill was caused by the contractor.**

Recklessness

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

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 material was cleaned momentarily after the spill.**

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

*****The operator had the equipment to handle this event.**

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

December 18, 1996
DATE



AUTHORIZED REPRESENTATIVE