

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Ledestar Energy, Inc. / Horizon Mine
Permit # C/007/020

NOV ~~100~~ # NOR-96-2-1
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events 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.
- 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 Horizon Mine was observed discharging dirty mine water into Jewkes Creek on 3/15/2002 at about 10³⁰ AM. Analysis of the grab sample taken by DOGM personnel revealed a total suspended solids level of 356 mg/l. The maximum daily allowable limit for TSS per WDES #UT6 840000 is 70 mg/l.*

2. Has the event occurred? Yes No

— Yes: Describe it.

See above.

— No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: *See above.*

3. Did any damage occur as a result of the violation?

— No.

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:

Coal fines and mine sludge have accumulated along edges of Creek banks, and have also been observed in pools within the drainage outside of the Mines permit area. No fish kill has been observed, as a result of this violation.

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:

Horizon Mine management had been previously instructed to not bypass the in-mine settling sump. It appears that they chose to ignore this instruction.

- () 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 a specific permit condition?

Explanation: *Yes, the permittee was aware that the agitated mine water would not meet effluent parameters.*

- () 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 dates) and describe the measures the operator took to comply as rapidly as possible.

Although the permittee took expedient action to re-plumb the pump system, this did not occur until a verbal cessation order was given to stop the discharge of Mine water through UPDES point 002A.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance. All resources to abate the violation were available on site.

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

Peter Hess
Authorized Representative

Peter Hess
Signature

3/21/2002
Date

Note: It was learned during the reporting of this UPDES infraction to Utah DEQ/DWQ, that DWQ had also pulled a dirty water sample ~~of~~ on 3/12 at the same discharge point. Therefore, it appears that the permittee intentionally continued to pollute Jewkes Creek for at least 50 hours.