

EVENT VIOLATIONS INSPECTORS STATEMENT

failure to protect topsoil

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. Circle the event and explain.

- 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.

The small topsoil pile Northside on slope above sediment pond erosion has occurred because no sediment control exist for the pile on the down slope. Also the south side of the pile is contaminated with coal fines

2. Has the event occurred? Yes  No

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

Material contained in the pile could be washed into Mud Creek by heavy precipitation. The coal fines could reduce fertility of the topsoil and reduce revegetation. See back of page.

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

Would: Yes  No   
 Does: Yes  No

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 permit area.

Material has been lost from the stockpile, no large erosion features present. No offsite impact at present. The amount available for reclamation is reduced. The contaminants could prevent establishment of vegetation on reclamation by reducing soil fertility.

Potential damage off the permit area. Yes  No



This small stockpile on a west facing slope is located above the sediment pond and Mud Creek. Some material from the pile has washed down slope but none has left the permit area.

It is possible that under the right condition sediment from this stockpile could enter Mud Creek which is a trout fishery.

Coal fines are mixed with the material on the south side of the pile. This can influence the successful establishment of revegetation.

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.

No erosion controls exist on this stockpile. Two other piles have erosion controls and no contamination by coal fines.

This site is inactive and receives the minimum of maintenance, as no one is on the site fulltime.

( ) 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.

No good faith

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

Yes repair of the stockpile could be accomplished by use of hand tools

3. Was the submission of plans prior to physical activity required by \_\_\_\_\_  
No

8/2/84  
DATE

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AUTHORIZED REPRESENTATIVE