

**EVENT VIOLATION INSPECTOR'S STATEMENT**

Company/Mine: Intermountain Power Agency/Wildcat Loadout  
 Permit #: C/007/0033

NOV # 10129  
 Violation # 1 of 1

**A. SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input checked="" type="checkbox"/> | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Conducting the trans-loading of oil on the permitted area without the proper permitting.

2. Has the event occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Trans-loading of oil was observed taking place during the June 19, 2013 inspection.

3. Did any damage occur as a result of the violation? No

If 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: \_\_\_\_\_

**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: The operating company, America West, was notified of the necessary permitting procedures that were required prior to conducting the trans-loading of oil.

- 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: \_\_\_\_\_

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

Explanation: The day the NOV was written, the company was quickly discussing what needed to be done to fulfill the required permitting with me. They were prompt to reply to the

NOV and were anxious to perform the proper permitting. On June 25, 2013 I was able to visually confirm that the facility had in fact stopped trans-loading oil.

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

Explanation: The necessary requirement to achieve compliance was to properly permit the trans-loading activity. The operator has a certified engineer on contract to perform all necessary permitting actions.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: To conduct trans-loading of oil on the facility's permitted area a submission of plans is required in this NOV. This includes an updated SPCC plan, an updated surface facilities map, and a description of oil trans-loading activities. These items were submitted to the Division for review on July 1, 2013.

\_\_\_\_\_  
Authorized Representative

*Amanda Daniels*  
Signature

July 9, 2013  
Date