

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Coal Energy Group 2, LLC/Wildcat Loadout
Permit #: C/007/0033

NOV # 21223
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 potentially hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The company failed to collect water monitoring data as required by the permit for the second quarter of 2019 and hindered DOGM's ability to assess if there were potential impacts to the hydrologic balance.

- 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: The MRP has a clearly defined water monitoring program that the operator should have been aware of.

- 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 any conditions or stipulations of the approved MRP?

Explanation: The approved water monitoring program is in Chapter 5 of the approved MRP beginning on page 5-10.

- 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: No abatement was required for the violation as the monitoring period was missed for the quarter.

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

Explanation: Monitoring of the site requires visiting the sampling location and collecting a physical sample if the surface drainage is flowing.

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

Explanation: _____

Amanda Daniels
Authorized Representative

Signature

November 5, 2019
Date