0028

Document Information Form

Mine Number: C/007/035

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 , 035 , **Internal**
Refer to:
- ☐ **Confidential**
- ☐ **Shelf**
- ☐ **Expandable**

Date _____ For additional information

COMPANY/MINE Sunnyside Cogeneration Assoc. NOV/~~CO~~ # 95-26-1-1

PERMIT # Act 007/035 VIOLATION # 1 OF 1

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.
(X) 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.
(X) i. Other.
Waste rock disposition not in accordance with the approved plan. Approved plan requires breaker rock to be placed in the spoil approved area with defined standards i.e. controlled manner, compacted non-combustibles, etc. Small amount of breaker rock was placed on haul road.

2. Has the event occurred? Yes X No ____

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.
Waste rock material placed on on road curve A & E to ameliorate adverse road conditions

See sketch page 2

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

DISTURBED AREA

Would: Yes ____ No X
Does: Yes ____ No X

PERMIT AREA

Would: Yes ____ No X
Does: Yes ____ No X

4. Describe the duration and extent of the dam damage may have occurred if the violation h DOGM inspector? Describe this potential da damage would extend off the disturbed and/o
Plant manager Mr. Gutierrez informed : rock material was placed on the r There is no proof of damage to the drainage from road A&E report to pasture pond. Further, pasture pond did not contain runoff and no pond discharge took place.

File in:
- ☐ Confidential
- ☐ Shelf
- ☐ Expandable

Refer to Record No 0028 Date ____
In C/ 007, 035, Internal
For additional information

Potential damage off the disturbed area. Yes ____ No X

Potential damge off the permit area. Yes ____ No X

COMPANY/MINE Sunnyside Cogeneration Assoc. NOV/CO # 95-26-1-1

PERMIT # Act 007/035 VIOLATION # 1 OF 1

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.
(X) 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.
(X) i. Other.
Waste rock disposition not in accordance with the approved plan. Approved plan requires broken rock to be placed in the spoil approved area with defined standards i.e. controlled manner, compacted, non-combustibles, etc. Small amount of broken rock was placed on haul road.

2. Has the event occurred? Yes X No ____

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.
Waste rock material placed on on road curve A & E to ameliorate adverse road conditions

See sketch page 2

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

DISTURBED AREA			PERMIT AREA		
Would:	Yes ____	No X	Would:	Yes ____	No X
Does:	Yes ____	No X	Does:	Yes ____	No X

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.
Plant manager Mr. Gutierrez informed the undersigned that the rock material was placed on the road Sunday, Feb. 12, 1995. There is no proof of damage to the environment since all drainage from road A&E report to pasture pond. Further, pasture pond did not contain runoff and no pond discharge took place.

Potential damage off the disturbed area. Yes ____ No X

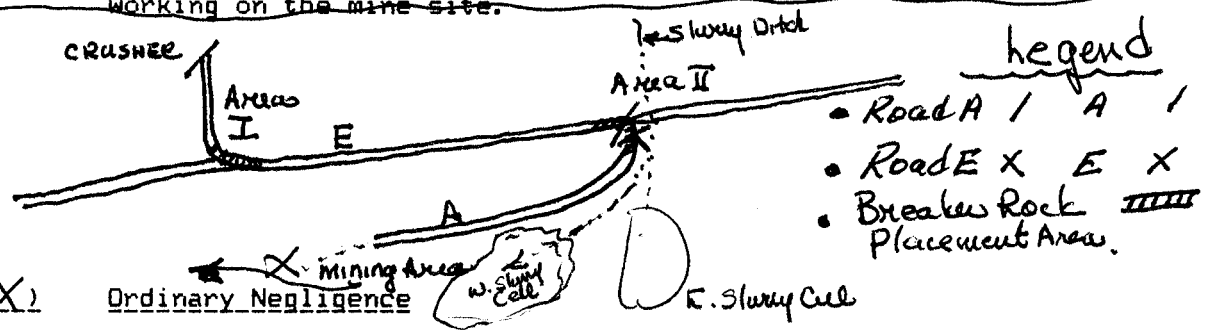
Potential damge off the permit area. Yes ____ No X

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.

SKETCH



(X) 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.

EWP environmental personnel were not at the mine. On Sunday 2/12/95 an employee of Savage Industries Inc. independently and without inquiry placed the breaker rock material to improve road conditions. Because of several interrelated problems on mining, plant failure, environmental matters and other issues, the Savage employee in charge, Jerry Carter, was fired by Savage Industries.

( ) 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.

Placement Of Breaker Rock

Area	Depth Of Breaker Rock	Curve length	Width.
I	2"-3"- max depth.	170'	10'
II	3"	110'	12'

( ) 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 abatement date was designated as 2/22/95, 5p.m
The cleanup was completed in accordance with the NOV abatement requirements on 2/16/95, phone call Mr Comer - 2p.m
A field check was completed on 2/17/95, 11a.m, and the violation was terminated because it complied with abatement requirements

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

Yes.

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

12/17/95
DATE

AUTHORIZED REPRESENTATIVE