0003

OK

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORYPROGAM

Company/Mine: West Ridge
Permit #: C/007/041

Nov # 10033
Violation # 1 of 1

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.

- ☒ 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 permittee added additional contributions of sediment to the stream flow outside the permit area. Coal fines were throughout the channel for a minimum of 2.5 miles. There were coal fines (very small amount) up to 4 miles always.

2. Has the event or damage 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: Mine discharge water containing coal fines discharge into the channel/creek. Coal fines were throughout the channel for a minimum of 2.5 miles and traces of coal fines at 4 miles away. Pockets of coal fines in the channel were inches deep. The channel is classified as ephemeral. The water goes into Price River. It is highly unlikely that coal fine made it to the River since the coal fines were settling out quickly.

3. Did any damage occur as a result of the violation? Yes
If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM

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inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: The stream is ephemeral. Mine water normally the only water source for the stream channel. The surface runoff goes to the channel under big storm events. There are no fish in the channel. They exceeded their UPDES requirements on TSS. Therefore, water pollution for exceeding TSS requirements. Coal fines are outside the permit area.

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:

☒ 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: The permittee informed DOGM about the coal fines deposited the channel. The permittee also identified that the ~~mine~~ water was the source of the coal fines. An inspection was made and a violation was issued. The permittee was in the process of sampling the sediment/cola fines for acid and toxic forming materials and putting a plan in place to correct the problem and to clean-up the channel.

☐ Was the operator in violation of a specific permit condition?

Explanation:

☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation:

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Was any economic benefit gained by the operator for failure to comply? No
If yes explain.

Explanation:

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:

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

Explanation: The permittee will need a contractor to clean up the stream channel.

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

Explanation: The permitte will be submitting a plan to clean-up the stream channel using a passive approach in cleaning up the creek. Several sediment ponds will be constructed below the mine site to filter all the water in the channel. This process is life of mine.

Stephen J. Demczak
Authorized Representative

Signature

2/2/09
Date