

INSPECTOR'S STATEMENT

- I. (A). Event Violations (go to (B.) if this is an obstruction to enforcement violation)
1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

off site damage, water pollution, failure to revegetate

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

Industrial waste materials deposited on areas not approved for such activity. Surface drainage from the area was not passing through sediment control structures before entering cottonwood creek.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area? The amount where material has been deposited is restricted to three small areas. Each area is approximately 36 sq. ft. in size. The material itself is within the permit area, but surface drainage from the area is not controlled.

4. How much damage might have occurred if the violation had not been discovered by an OSM Inspector? Describe this potential damage. Would the damage extend off the permit area?

The only potential damage which might have occurred if the violation was not written, is the increase of waste material and sedimentation from the area.

- (B). Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

- II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain. *The company may not have been aware that disposal of industrial waste was regulated by state or federal regulations.*

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took. *Good faith not assessed due to time required for abatement*

13 June 1980

Date

[Signature]
Authorized Representative

INSPECTOR'S STATEMENT

I. (A). Event Violations (go to (B.) if this is an obstruction to enforcement violation)
1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)
EROSION, sedimentation, destruction of vegetation and aquatic habitat.

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)
Surface drainage has not been adequately controlled within the mine site surface facilities area. Surface drainage from the upper partial area flows over the downslope causing rills and gullies to occur.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?
Since all of the drainage from the disturbed area does not pass through sedimentation control structures, some of the sediment eroded from the upper partial out slope entered Cottonwood Creek and was carried off site.

4. How much damage might have occurred if the violation had not been discovered by an OSM Inspector? Describe this potential damage. Would the damage extend off the permit area?
If the violation had not been issued, erosion would continue. Potentially, an increased amount of sedimentation would have been deposited into Cottonwood Creek.

(B). Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).
5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).
6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

8. 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.
The erosion due to lack of surface drainage control should have been evident to a careful operator.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith
10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.
Good faith not assessed due to length of abatement time required.

13 June 1980
Date

[Signature]
Authorized Representative

INSPECTOR'S STATEMENT

- I. (A). Event Violations (go to (B.) if this is an obstruction to enforcement violation)
1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)
Water pollution, sedimentation of streams, destruction of aquatic habitat
 2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)
Runoff from the surface facilities area was seeping from the drainage ditch and entering Cottonwood Creek at the south access area. The sediment control established at the north access area was not functioning and allowed drainage to enter Cottonwood Creek.
 3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?
Damage, in the form of sedimentation entering Cottonwood Creek, has occurred. Cottonwood Creek carries the sedimentation off of the permit area.
 4. How much damage might have occurred if the violation had not been discovered by an OSM Inspector? Describe this potential damage. Would the damage extend off the permit area?
It is unable to evaluate the amount of sedimentation and the adverse effect such sedimentation could have on the aquatic habitat, but the effect would extend off the permit area.
- (B). Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).
5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

- II. Degree of Fault (only one question applies to each violation; first decide which question to answer).
6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.
 7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.
 8. 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.
 9. Was the operator, in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.
The operator has been cited by the state and OSM in the past, for the same violation.

- III. Good Faith
10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took. *Good faith not able to be assessed due to length of abatement time required*

13 June 1980
Date

[Signature]
Authorized Representative

INSPECTOR'S STATEMENT

I. (A). Event Violations (go to (B.) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)
Sedimentation of streams, destruction of aquatic habitat.

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

The company has utilized an endloader to water the haulroad to suppress dust. The endloader has established two points at which it enters Cottonwood Creek, obtains a bucket full of water and returns to deposit the water on the road. This activity is off of the permit area.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

The amount of habitat damage to the streambank and the creek is unable to be determined. An access point to the creek approximately 15 feet wide was made by the endloader operator. Sedimentation from the machinery operator enters the stream off of the permit area.

4. How much damage might have occurred if the violation had not been discovered by an OSM Inspector? Describe this potential damage. Would the damage extend off the permit area?

Damage in the form of additional contributions of suspended solids to Cottonwood Creek would have continued as long as this activity occurred. All damage would be off of the permit area.

(B). Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer).

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

It was evident following discussions with company personnel that they were unaware of the road watering operations being in violation of OSM regulations.

8. 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.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took. *Good Faith not assessed, do to time limit imposed.*

13 June 1980
Date

[Signature]
Authorized Representative

INSPECTOR'S STATEMENT

I. (A). Event Violations (go to (B.) if this is an obstruction to enforcement violation)
1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

Water pollution, erosion, destruction of aquatic habitat.

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)
Maintenance of access and haulroads have resulted in deposition of materials, from the roads surface, into Cottonwood Creek drainage. These actions caused additional contributions of suspended solids to the streamflow and is carried off of the permit area.

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area? The extent of the damage is not able to be evaluated. The suspended solids consist of earth materials and coal fines, which would be carried off of the permit area by the streamflow.

4. How much damage might have occurred if the violation had not been discovered by an OSM Inspector? Describe this potential damage. Would the damage extend off the permit area?
The damage due to the increased suspended solids would be expected to continue as long as the road maintenance activities were conducted in the past manner. Potential damage may include blockage of the streamflow. Damage would extend off of the permit area.

(B). Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public.

II. Degree of Fault (only one question applies to each violation; first decide which question to answer)..
6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain.

8. 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. *The actual harm should have been evident to a careful operator.*

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took. *Good faith not assessed due to length of time required for abatement.*

13 June 1980
Date

[Signature]
Authorized Representative