

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Consolidation Coal Co/Emery Deep Mine  
 Permit #: C/015/015

CO #02-39-1-1  
 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 checked="" type="checkbox"/> | a. | Activity outside the approved permit area.                     |
| <input checked="" type="checkbox"/> | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input 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: The permittee was driving a underground mine scoop with underground materials from Emery Deep Mine to the 4<sup>th</sup> East Portals using a public roads (County Roads). The travel distance was approximately two to three miles. These public roads are outside the permit area. The visibility in the underground scoop is difficult to see in all directions. This is due to the position of the driver and the design of the machine. This is an unlicensed motor vehicle.

2. Has the even 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: The permittee on September 17, 2002 had an underground mining scoop traveling on public roads loaded with mine supplies. The public roads are outside the permit area of Emery Mining.

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 bee 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: \_\_\_\_\_

- 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 did not consider the potential harm to the public. This is because of the poor visibility the underground scoop operator has when driving this vehicle. Underground safety classes teach coal miners to stay away from these moving vehicles because of poor driver visibility. The scoop did not have flashing lights, warning signs, or pilot car while operating on public roads. Off-road vehicles are required by State of Utah to have some type of warning, as mentioned above.

- 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 operator committed on September 17, 2002 not to have mining equipment leave the permit area. This was also restated by the Mine Manager to all supervisors of Emery Deep Mine on September 18, 2002. Good Faith should be given.

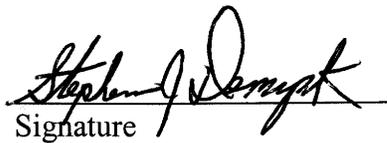
- 2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Yes, a commitment is the only thing that is required.

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

Explanation: \_\_\_\_\_

Stephen J. Demczak  
Authorized Representative

  
Signature

September 23, 2002  
Date