

EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 02-39-1-2  
 Violation # 1 of 2

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 type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input 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 checked="" 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 had a semi-trailer parked on top of undisturbed vegetation and topsoil. The undisturbed area was within the disturbed area boundry. Prior to the violation, a staff person from SCL informed the permittee to remove the trailer. Two days later, the trailer was still on the undisturbed area.

2. Has the event 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 had a semi-trailer parked on top of an undisturbed area. The vegetation and topsoil was not removed from this area. This action caused a disturbance to soil compaction and vegetation.

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

Explanation: The damage was minor to the undisturbed area. The topsoil was compacted due to the weight of the trailer and the removal of the trailer. The vegetation got run over by the equipment.

**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: The permittee was told by Priscilla Burton on September 10, 2002 to remove the trailer from the undisturbed area where topsoil and vegetation had not been removed. On September 12, 2002, a violation was issued by the assigned inspector of Emery Deep. The trailer was still in the undisturbed area. This area is within the disturbed area boundaries.

- 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 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 permittee removed the trailer the same day the violation was written. Good faith points should be given.

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

Explanation: The permittee has the necessary equipment available to terminate the violation.

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 19, 2002  
Date