

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

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

NOV # 10146
Violation # 1 of 1

- A. HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: First Quarter 2014 Refuse Pile Inspection and P.E. Certified Report not done.

- 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, explain.

Explanation: Consol had a name change. As a result of that name change the contracted P.E. doing the refuse pile inspections was not paid and thought the mine was closed, first quarter 2014 refuse pile inspection and P.E. certified report were not done.. The contractor was contacted and apprised of the mis-understanding and resumed refuse pile inspections and P.E. certified reports in second quarter 2014

- 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 any conditions or stipulations of the approved MRP?

Explanation: _____

- Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of 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 dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: No abatement. The refuse pile inspections and P.E. certified reports were immediately re-instituted.

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

Explanation: _____

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

Explanation: _____

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # 10146
Violation # 1 of 1

Karl R. Houskeeper #49
Authorized Representative

Karl R. Houskeeper
Signature

June 25, 2014
Date

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