

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Bronco Utah Operations, LLC/Emery Deep Mine
Permit #: C/015/0015

NOV # 21192
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:

DOGM staff was hindered in conducting quarterly water monitoring data analysis. The Permittee failed to provide the required water quality data for monitoring well TP-U. Table VI-17, *Emery Mine Hydrologic Monitoring Program* of the approved Mining and Reclamation Plan requires sampling of monitoring well TP-U for field water quality parameters as well as submission of samples for laboratory analyses. The required parameters for laboratory analysis are listed in Table VI-17. However; the Permittee provided only a depth to water for monitoring well TP-U. The requisite field and laboratory data was not provided for 3rd quarter 2016.

Monitoring well TP-U was historically monitored and sampled at the Emery Deep Mine. Per Division approval, the monitoring of TP-U was discontinued the 1st quarter of 2012. However; on September 2nd, 2016 (per Task #5243) DOGM approved the re-activation of monitoring at well TP-U. During the permitting revision/review process of Task #5243, TP-U was recommended by the Permittee (and subsequently approved by DOGM) to replace monitoring well T1-U. Monitoring well T1-U had developed integrity issues that prevented sampling. As TP-U and T1-U were both completed within the same geologic unit (Upper Ferron Sandstone), it was agreed that TP-U was a valid replacement for monitoring well T1-U. Upon the approval of Task #5243, the Permittee was instructed to begin monitoring of well TP-U that quarter (i.e. 3rd quarter 2016). Based upon the data submitted for 3rd quarter 2016 and subsequent conversations with the Permittee, the required water quality samples were not obtained for monitoring well TP-U.

- 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:

- 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: The Permittee violated a condition/stipulation of the MRP by not sampling monitoring well TP-U as required. The Permittee indicated that the casing of the monitoring well is approximately 3/4" and that there was uncertainty as to how it could be sampled for water quality. However; based on the DOGM Water Quality Database, water quality data was obtained from monitoring well TP-U sporadically between July 1985 to September 1994. It should be noted that the water quality samples obtained during that time frame were frequently obtained when the reported depth to water was greater than as reported 3rd quarter 2016. The depth to water for 3rd quarter 2016 was reported as 309.9'. The historical data within DOGM's Water Quality Database shows that water quality data was obtained when the reported depths to water were much greater (e.g. reported depth of 372' on September 18th, 1990).

Additionally, the Permittee proposed the adoption of monitoring well TP-U for water quality sampling during the permitting of Task #5243.

- 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:

The same violation has been cited in the past:

NOV #10088- Failure to provide required water monitoring data.

NOV #10071- Failure to provide required water monitoring data.

It should be noted that the aforementioned NOV's were issued when a different company/Permittee were operating the Emery Deep facility.

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:

As the time period in which the Permittee was to obtain the requisite water monitoring data from well TP-U has passed, there is no abatement. The Permittee has been informed that water monitoring must be conducted in accordance with the approved MRP and the requirements identified in Table VI-17.

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: _____

Authorized Representative



Signature

3/3/17

Date