

**EVENT VIOLATION INSPECTOR'S STATEMENT**

Company/Mine: Co-op Mining Company/Bear Canyon Mine  
Permit #: C/015/025

NOV # N03-46-2-2  
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.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation/revegetation potential.
- h. Reduced establishment, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

Explanation: The permittee had been required by MSHA to enhance the safety berms along all of the access roads at the site such that they were approximately three feet high. This had been done prior to a change in DOGM inspection personnel at the site. The inspection conducted on 1/22/2003 revealed that a large amount of acreage consisting of earth fines existed on the outsoles of these berms. Any form of precipitation falling on these outsoles would report directly to Bear Creek and thence to outside the permit area in an untreated state. Also, for some reason, the permittee had removed several alternate sediment controls which had been permitted for the construction of the conveyor corridor for the Bear Canyon #3 Mine (Wild Horse Ridge addition). This added to the acreage reporting to the Bear Creek drainage in an untreated fashion.

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: A large portion of the acreage of earth fines which exist on the outsoles of the berms is exposed to direct sunlight for several hours a day. The unseasonably warm daytime temperatures which have occurred in the Emery County area over the past several weeks have melted off much of the snow on these berms with that runoff reporting to Bear Creek. Some of the outslope acreage remains under snow. Snowmelt has occurred in the area of the #3 Mine conveyor corridor where the permittee had removed the sediment controls. Thus, runoff from an extensive area of the Bear Canyon permit area has reported to Bear Creek without treatment.

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 surface of Bear Creek was frozen on 1/22/2003, and flow was not audible. There were no erosion rills visible on the out slopes of the road berms. However, an erosion rill approximately eight inches wide and eight inches deep was visible beneath the #3 Mine overland conveyor structure on the slope reporting to Bear Creek. Had the permit area received rain, the potential that Bear Creek would receive untreated runoff high in suspended solids as well as dissolved solids is likely.

**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 has installed erosion control on the out slopes of all access roads to the #1 and #2 Mines. These are generally identified as ASCA's and are well within the disturbed area of the site. Why they felt that it was not necessary to treat runoff from an out slopes reporting directly to Bear Creek is not known. The approved sediment controls which were removed to install the conveyor structure for the #3 Mine should have been reinstalled. The permittee had more than enough time to reinstall the approved sediment controls prior to the 1/22/2003 inspection.

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: Violation N03-46-2-2, 1 of 2 was issued to the permittee on 1/22/2003. The permittee notified the Division on 1/24/2003 that N03-46-2-2, 2 of 2 was ready to evaluate. The site was inspected on 1/27/2003 for the purpose of terminating 2 of 2. However, it was observed that the permittee had made extensive progress relative to the installment of erosion control matting on the out slopes of the access road berms. Also, the permittee had reinstalled a silt fence for sediment control at the head of the slope in the #3 Mine conveyor corridor.

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

Explanation: The permittee had a sufficient amount of erosion control matting on hand to at least initiate installing same on a lot of the out slopes reporting to Bear Creek. As to whether it was necessary to purchase more matting is not known.

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

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

Peter Hess  
2003  
Authorized Representative

\_\_\_\_\_  
Signature

December 28,  
Date

**Event Violation Inspector's Statement**

NOV/CO # N03-46-2-2  
Violation # 1 of 2

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