

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine CO-OP Mining Co. / Bear Canyon  
Permit # C/015/025 #3 Mine

NOV ~~100~~ # 06-46-2-2  
Violation # 1 of 2

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events 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. Road Conditions / Employee Safety

Explanation:

2. Has the event occurred? Yes  No

Yes: Describe it.

No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The Permittee had been advised by the DOGM inspector to permit storage areas for snow accumulations generated by winter road maintenance. A submittal was made, then withdrawn from OGM permitting process. Other permitting took precedence. During spring '06 thaw, snow

3. Did any damage occur as a result of the violation?

No.

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: (Cont'd.) melt water was observed reporting from the snow storage located above the #3 Mine conveyor coal silo, in an uncontrolled fashion, Melt water had also accumulated in rutted areas adjacent to the snow pile, saturating the earth and possibly weakening the pad. Melt water

would not report to ditch D-30U, and the silt fence at its outlet. There are other areas along the #3 Mine road which are used to store snow. All require permitting.

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 should have permitted the snow storage areas, with adequate melt water treatments prior to the winter of 2005-2006. Sufficient warning had been given by the OGM inspector.*

- ( ) 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 dates) and describe the measures the operator took to comply as rapidly as possible.

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

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

The Permittee must submit plans/designs to store snow volumes generated by road maintenance for the #3 and #4 Mine roads for an average snowfall year. The storage areas must have treatment methods

Peter Hess  
Authorized Representative

Peter Hess  
Signature

4/12/2006  
Date

↓ designed to effectively treat the volume of melt water reporting to them.