

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

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

NOV # N10012
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: _____

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: Ditch D-40U was observed to have the flow path obstructed with longwall machinery parts, non-coal waste (wooden pallet), and dirt, which had been pushed into the ditch. The supply personnel operating the forklift was more than likely unaware of the R645 requirement to maintain the function of all surface diversions. This diversion receives runoff from a very small water shed.

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?

Hindrance to Enforcement
Inspector's Statement

NOV/CO# N10012
Violation # 1 of 1

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: The Permittee has been cited for placing machine parts, and other types of mining supplies in the disturbed area diversion across from the scale house administration building.

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: The Permittee corrected the compliance situation in the first 24 hour period following observance of the infraction. The Permittee should receive all allowable good faith points for correcting this situation.

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

Explanation: The Permittee had all resources necessary to correct this situation available. The Permittee should train all surface personnel about the need to maintain diversions and the surface drainage control plan.

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

Explanation: Diversion maintenance is a general requirement in the R645 Coal Mining Rules (R645-301-742.310 and 312..

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # N 10012
Violation # 1 of 1

Peter Hess
Authorized Representative

Peter Hess
Signature

August 30, 2007
Date

C:\shared\WP\FORMS\ENFORCE\EVENTVIO\hindranceinspstate.doc