

INTERNAL

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**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

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

NOV # 10031  
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: The Permittee failed to have the water sample from SBC-9a analyzed for dissolved lead. Analysis for lead is required at this site because the water discharged through SBC-9A is the culinary water supply for the Bear Canyon Mine, and a battery-powered coal hauler, loaded with lead-acid DC power cells, was buried by a roof-fall near the underground source of this water.

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 MRP was specifically amended to require monitoring for lead at SBC-9a. The water discharged from the mine through SBC-9A is the culinary water supply for the Bear Canyon Mine. An unanticipated roof fall in the 1st North section of the Bear Canyon #1 Mine on January 14, 2003 buried a battery-powered coal hauler, loaded with lead-acid DC power cells, near the source of this flow.

- 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: Analysis for lead has been missed at this site in the past, as noted in the Division's Quarterly Water Monitoring Reports for the 4<sup>th</sup> Qtr 2007 and 1<sup>st</sup> Qtr 2008. During the 4th Qtr 2007 there were a number of parameters missed at several monitoring sites, which resulted in NOV 10020

**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: \_\_\_\_\_

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

Explanation: The required analysis has been done routinely in the past, and there is no reason that the required analysis could not have been done during the third quarter.

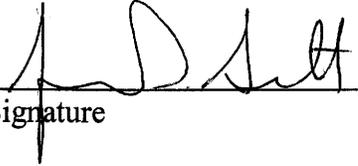
3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

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

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # \_\_\_\_\_  
Violation # \_\_\_\_\_ of \_\_\_\_\_

James D. SMITH  
Authorized Representative

  
Signature

December 11, 2008  
Date

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