

C0250005
Internal
#3772
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EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Alton Coal Development, Coal Hollow Mine
Permit #: C/025/0005

NOV # 10078
Violation # 1 of 1

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.

- X 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.
- X j. Other.

Explanation: Disturbed area runoff was observed over topping temporary sediment controls, leaving the permit area and entering Robinson Creek approximately 100 yards below the confluence of Robinson Creek and the Robinson Creek diversion.

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: Contribution of additional suspended solids to runoff or stream flow outside the permit area and erosion along the embankment of Robinson Creek did occur.

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 bee 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 area had received two snow storms each in the amount of 12-16 inches over a ten day period. Subsequent freezing and thawing resulted in the offsite deposition of suspended solids to Robinson Creek and erosion along the embankment of Robinson Creek. These two events did extend off the permit area.

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: Typical weather patterns this time of year include intermittent snow storms followed by daily periods of warming above freezing temperatures. Knowing these conditions and the fact that the sediment controls were temporary and did not include any known design criteria it would seem reasonable for a prudent operator to pay a little more attention to the proper maintenance of these types of structures.

- 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: _____

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

Explanation: The operator has the necessary resources to achieve compliance. Drainage control plans as depicted in the MRP can be implemented to manage the runoff appropriately.

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

Explanation: No plans are required to abate the violation. The operator has requested an extension to March 23 rd to abate the violation.

Joseph C. Helfrich _____
Authorized Representative


Signature

March 14, 2011
Date

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