

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Alton Coal Development, LLC/Coal Hollow Mine
Permit #: C/025/005

NOV # 16150
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.

- 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: Alton Coal Development, LLC (ACD) failed to properly construct and maintain Ditch 1 and Ditch 4. Surface runoff from snow melt breached both ditches in early March, allowing suspended solids to leave the Permit area untreated. Additionally, the Permittee failed to properly maintain best technology currently available at the outlet of Ditch 1 and at the end of Lower Robinson Creek reconstruction. During the runoff event, these sediment controls did not properly treat surface runoff and prevent additional contributions of suspended solids to streamflow outside the permit area.

2. Has the event 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: Yes the event occurred in early March of 2015.

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: It is not possible to quantify the full extent of the off-site impacts as the runoff event was not observed at the time and water samples were not collected by the Permittee. However; based on field observations of sedimentation deposited outside the permit area, it's reasonable to conclude that additional suspended solids were contributed to stream flow outside the permit area. Deposited sediment plumes were visible outside the permit area in several areas.

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: During the February 10th, 2015 inspection the Permittee was notified Ditch 4 was not built to the design specifications in the MRP. The Permittee did not make an attempt to reconstruct the ditch and correct the problem prior to the off-site impact occurring in early March.

- 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: The Permittee was given 45 days from receipt of the NOV on 4/20/2015. During a site visit on May 5th, Ditch 1 was inspected and the Permittee had nearly finished the reconstruction of the berm along the ditch. The Permittee has staked out the proper location of Ditch 4, however the ditch has not been constructed. The Permittee has installed straw wattles at the outlet of Ditch 1. These wattles will treat the undisturbed runoff carried in the ditch before it flows off-site.

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

Explanation: The Permittee has the proper resources at the site to achieve compliance. These resources include excavators, haul trucks, and a surveyor on-hand that can be used for constructing the ditches and repairing the straw bale check dam.

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

Explanation: _____

Keenan Storrar
Authorized Representative


Signature

May 11, 2015
Date