EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 20153
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: The Permittee failed to maintain the ASCAs and culvert at the mine entrance. The ASCAs prevent runoff from the disturbed area draining off site untreated. The culvert under the entrance was half full of sediment blocking drainage. If the drainage structures are not maintained runoff from the disturbed are could flow offsite without treatment. The ASCAs on the south and north side of the entrance were full of sediment and had been document dry for the past several inspections, see Inspection report 4234 Photos 15 and 16. Had the ASCAs remained in disrepair the fall moonsoons runoff would like flow over the bales resulting in possible offsite impacts.

2. Has the event occurred? No

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: It is likely that had the ASCAs remained in disrepair the fall moonsoons runoff would like flow over the bales resulting in possible offsite impacts.

3. Did any damage occur as a result of the violation? No

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: During large storm events, there is the potential for disturbed drainage to leave the permit area without being treated as designed

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: _____

☒ 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: The poor maintenance of the drainage structures at the entrance of the permit area was evident and discussed with the Permittee in prior inspections as far back as November 2014, i.e. see inspection report #4027, and more recently again in inspection report #4219.

☐ 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

Event Violation Inspector's Statement

NOV/CO # 20153
Violation # 1 of 1

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 repaired the ASCAs and cleaned the culvert at the entrance by 7/10/15 as documented in inspection report #5245. The ditches on the North and South side were cleaned out and new straw bales had been installed. The entrance culvert was also cleaned out. Figures 4 and 5 of Inspection report 5245 show the repairs.

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

Explanation: Yes the repairs were completed by 7/10/15.

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

Explanation: _____

Cheryl Parker
Authorized Representative

Signature

July 22, 2015
Date

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