

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Alton Coal Development/Coal Hollow
Permit #:

NOV # 21154
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: ACD is required to conduct vegetation and bird use surveys in certain areas near the mine as well as the wet meadow area above the 85.88 acre auger mining parcel. The biologists are hindered from determining the status of the vegetation and bird use in these areas for that particular season. Overall trend analysis of the vegetation and bird use may not be hindered if the monitoring continues annually over an extended period of time (10 years). The biologists are also hindered from determining if the auger mining had any impacts on the the wet meadow 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, explain.

Explanation: Basically the NOV was the result of the lack of reasonable care; Dr. Peterson just didn't get around to conducting the surveys last season.

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- 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: _____

- 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:

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: _____

There is no abatement required by the NOV.

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

Explanation: _____

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

Explanation: _____

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Joe Helfrich
Authorized Representative

Joe Helfrich
Signature

July 28, 2015
Date

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