

**EVENT VIOLATION INSPECTOR'S STATEMENT**

Alton Coal Development  
Permit #: **0250005**

NOV 21158

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:

Ditch UD2 collects undisturbed drainage and sends it to Lower Robinson Creek.

Ditch DD4 collects water from along reclaimed areas and reports to Pond #3 at its outlet, but breeches in the ditch report to reconstructed Lower Robinson Creek.

2. Has the event occurred?

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 berm along the storage/repair yard was purposely breeched to allow sump water (from a boot cleaning station) to flow into UD2. In addition, large walk-in storage units were placed on top of the berm that defined UD2. Ditch UD2 collects undisturbed drainage and sends it to Lower Robinson Creek.

A breach in DD4 allowed water to erode subsoil slopes and sent sediment into the reconstructed Lower Robinson Creek. The sediment was treated with hay bales before heading downstream.

3. Did any damage occur as a result of the violation?

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:

Yes. UD2 breach sent wash water into Lower Robinson Creek at the outlet of UD2.

Incomplete construction of DD4 halted flow along the ditch at the location above the transition zone of reconstructed Lower Robinson Creek. Ponded water flowed over the edge, causing erosion of the graded and subsoiled creek bank. Subsoil cover was lost and sediments entered reconstructed Lower Robinson Creek.

**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:

The operator did not take reasonable care.

- 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:

It should have been evident, but nothing was done prior to the citation.

- Was the operator in violation of a specific permit condition?

Explanation: Yes. Failure to maintain diversion ditches: R645-301-742.312 and failure to prevent additional contributions of suspended solids R645-301-742.312.3.

- 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:

Yes. NOV 20153 issued 7/7/2015; NOV 16150 issued 4/16/2015; and NOV 10078 issued 3/9/2011.

**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 operator promptly removed the culvert from the boot washing station and moved the storage units away from the berm. The operator sent photographs of the restored UD2 berm on 9/24/2015.

Ditch DD4 was established in the transition zone and repaired other breeches they noticed along the length of DD4. The operator sent photographs of DD4 in the transition zone on 9/25/2015.

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

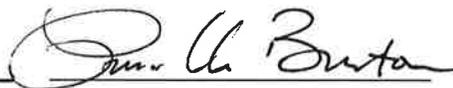
Explanation:

The operator had the necessary resources. Mining had ceased at the site men and equipment were available for grading work.

3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain.

Explanation: No plans required.

Priscilla Burton, ID #37  
Authorized Representative

  
Signature

October 27, 2015  
Date