

EVENT VIOLATION INSPECTOR'S STATEMENT

Alton Coal Development/Coal Hollow Mine
Permit #: C025/0005

NOV # 21191
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.
- X g. Loss of reclamation/revegetation potential.
- X h. Reduced establishment, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

Explanation: Topsoil was not pushed back from the highwall above North Lease Pit 6

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: The North Lease topsoil is an active pile. Topsoil was being removed from the West side for placement on Phase 1 bond release areas. As Pit 6 progressed Northward, the topsoil should have been removed from its South side to avoid it becoming part of the Pit 6 highwall.

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 highwall and topsoil pile were one face. Topsoil undoubtedly has fallen into Pit 6 with blasting that has occurred weekly in Pit 6. Recovery of that unknown volume of topsoil will not be possible.

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 began moving the pile away from the highwall immediately. The Permittee sent an email with photographs of the work on December 14, 2016 (sent to file), which stated that the work would be completed on or before the 16th of December (a week from the date of issuance).

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

Explanation: Yes, the equipment was available and was actively working the pile from the West side.

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

Explanation:



PRISCILLA BURTON

Authorized Representative

Signature

December 15, 2016

Date