

EVENT VIOLATION INSPECTOR'S STATEMENT

Alton Coal Development
Permit #: 0250005

NOV 21193

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.
 - X e. Environmental harm.
 - X 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: ***Storage of oil and grease containers in an unauthorized tank at the underground mine was filled to capacity with water and oil emulsion. One rain storm would have caused the water emulsion to overflow onto the ground.***

Has the event occurred? .

2. No it did not occur.
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? Probability is Likely.
3. Explanation: One more rainstorm would LIKELY cause overflow of the tank.
4. 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: ***No damage was observed. If the overfilled tank was not discovered by DOGM, it would have overflowed to the surface, contaminating soils and entering groundwater from the Pit bottom (100 feet below the surface).***

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:

- X Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: ***Operator has an SPCC plan that provides full containment of oil and grease and diesel. That storage location is routinely checked by the DOGM inspector and was checked the previous day. That storage location was dry and maintained.***

- X 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 was evident to the environmental coordinator. The storage location was created by the underground mining crew. The Underground mine is idle and the storage location was forgotten until the inspection.***

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

Explanation: ***Yes. Performance Standards for engineering and hydrology regulations (R645-301-542.741 and R645-301-747.100).***

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: ***DOGM has not issued citations in the past. Three warnings have been issued for keeping containers inside of the approved SPCC location. These warnings have been immediately heeded and an additional was constructed to hold miscellaneous containers in the approved structure.***

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 stated that the abatement was completed by the end of the day March 15, 2017. I did not receive photographs to confirm.*

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

Explanation: *The operator had the necessary resources. The idle underground site is routinely checked by operator. This storage tank was overlooked by the environmental staff and the underground staff.*

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

Explanation: *No.*

Priscilla Burton, ID #37
Authorized Representative

Priscilla Burton
Signature

March 29, 2017
Date