

EVENT VIOLATION INSPECTOR'S STATEMENT

Alton Coal Development
Permit #: 0250005

NOV 21194

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: Sediment control for the Underground mine is shown on Dwg 5-3C. Culverts, ditches, and the sump were not maintained. The sump treats the water prior to it being pumped to Pond 3 for discharge off site. Pond 3 is at capacity and is being decanted (55gpm for the last three weeks). Additional sediment laden water may not have the detention time before being decanted.

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 **Probable.**
3. **Explanation: To clear the underground mine of water, it is pumped from the sump to Pond 3. If the water from the sump was pumped to Pond 3 it is likely the pond discharge would be high in TSS and TDS, probably in exceedence of the UPDES limits.**
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: **Sediments have filled the upper sump basin and caused overflow of the dike which lead to erosion of the dike. The sump filtration system is now compromised. Water being pumped to pond 3 would be sediment laden. Since the pond is at capacity and being decanted, water pumped from this pond might well exceed TSS and TDS UPDES limits.**

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: **Due to indifference and lack of reasonable care. The operator redesigned the drainage plan for the underground mine as a result of violation 21167 issued in March 9, 2016. The underground mine drainage plan was implemented in the second half of 2016. It was inspected and required maintenance issues were discussed during the Complete inspection in December 2016.**

- 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: **Exceed of TSS UPDES limits at Pond 3 were recorded in the fourth quarter 2015 when the Pit 10 to Pond 3 pipeline was first installed. The sediment control plan was not considered adequate at that time, which was why NOV 21167 was issued in March 2016 to require a redesign of the sediment control plan in the underground pit.**

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

Explanation: **Yes. Performance Standards for construction and maintenance of sediment control measures according to plans and designs (R645-301-752).**

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: **Similar.**

Condition of ditch 1 and ditch 4, R645-301-742.100 through 742.124 etc., NOV 16150, issued 4/08/2015

Failure to maintain sediment control R645-301-742.110; R645-301-742.111, NOV 21185 issued 9/7/2016

Failure to maintain siltation structures R645-752.100, R645-301-732.300 and R645-301-744.100, NOV 21162 issued 01/01 2016.

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: No specific abatement date was given, therefore by default, the abatement date will be the full length of time allowed or 90 days.

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

Explanation: The operator has the equipment and staff necessary. The operator has an engineer, environmental coordinator, surface manager, underground manager all of whom could direct the work.

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