



Assessment Conference Determination

Company: Justice Low Seam Mining, Inc. **Permit No.:** 1102079
Penalty of: Notice of Violation No. TMM0008497 **Violation No.:** 1of 1 (AO)
11-13-13 10:00AM
Conference: _____ **Location:** Lebanon Office
Participants: Les Vincent-Company Engineer, Tom Mackey-DMLR Reclamation Inspector

Summary of Conference

Seriousness Points Assigned 3: Mr. Les Vincent stated that the seriousness points assigned of 3 was high. Mr. Vincent stated that the reports have been submitted and the violation was issued non-remedial. Inspector Mackey stated that he had not seen any reports that they are submitted on e-forms. Inspector Mackey informed Mr. Vincent that the reports could be submitted through the e-form center. Mr. Vincent went on to say that the seriousness was high for two reasons. The material is not that bad. The blend of material is 3%. The normal concentration is 1.5% for a blending ratio.

Negligence Points Assigned 2: Mr. Vincent stated that he could not argue with the 2 points assigned for negligence. The report was not submitted.

Assessment Conference Recommendation

The permit violation history was checked. According to this information, two (2) violations under the Performance Code AO, have been issued to the operator within the past 12 month period. NOV TMM0008241, Violation 1 of 1, under Performance Code AO was issued 02-26-13 for failure to pay anniversary fees. NOV TMM0008497, Violation 1 of 1, under Performance Code AO was issued 08-26-13 for failure to submit acid base account reports. In addition, three (3) more violations were issued to the company during the past 12 month period. These violations were issued under the Performance Code RT for failure to pay reclamation taxes. NOV TMM0008514, Violation 1 of 1, under Performance Code RT was issued 09-09-13. NOV TMM0008380, Violation 1 of 1, under Performance Code RT was issued 05-29-13. NOV TMM0008148, Violation 1 of 1, under Performance Code RT was issued 12-19-12.

- I. History of Previous Violations:** I am recommending that the \$60.00 assigned be raised to \$100.00 since five (5) violations have been issued to the permittee during the past 12 month period.
- II. Seriousness Points:** I am recommending that the 3 points assigned for seriousness remain. Permit Revision Application 1008222 was approved 08-30-12. This revision approved refuse to be blended in on the permit. I checked the files and the acid base

analysis was not submitted until after the assessment conference was held on 11-13-13. The forms were submitted through the e-forms center.

III. Negligence Points: I am recommending that the 2 points assigned for negligence remain. Again Revision Application 1008222 was approved 08-30-12. This revision approved the blending of refuse on the permit. The company did not submit any acid base account information until a year later after the revision was approved and not until after the assessment conference was held.

IV. Good Faith Points: No good faith points were assigned since the violation was issued non-remedial.

Assessment Conference Determination:

Permit No. 1102079 NOV TMM0008497, 1 violation (AO)

	Proposed Assessment or Reassessment	Assessment Conference Recommendation
I. History of previous violation	\$ 0.00	\$ 100.00
II. Seriousness Points	3	
III. Negligence Points	2	
IV. Good Faith Points	0	
Total Points:	5	
Base Penalty:	\$ 325.00	
History Penalty:	\$ 100.00	\$ 100.00
Total Penalty:	\$ 425.00	

Conference Officer: *Kenneth Coomer*

Date: 11-22-13