GLOSSARY OF TECHNICAL TERMS

ADMINISTRATIVE VIOLATION. An administrative violation is one that may prevent an inspector from reviewing the overall operations of a mine to determine compliance with the Act and regulation. Such a violation may also prevent the public from identifying a mine site or exercising rights under the Act and the regulations.

ENVIRONMENTAL HARM VIOLATION. An environmental harm violation may actually cause or have the potential to cause environmental damage.

EVENT. An event is a damaging or potentially damaging situation or condition that the Act and regulations or permit conditions are designed to prevent.

FAILURE TO ABATE CESSATION ORDER (FTACO). The FTACO is the document used to inform an operator or permittee that he/she has not complied with a previously issued citation within the prescribed time given for abatement.

GOOD-FAITH ABATEMENT EFFORTS. Good-faith determinations are concerned with the permittee's or operator's actions after a violation has occurred and has been cited. The assessor or the conference officer examines the operator's or permittee's initiative, consistency, and commitment of resources in determining good faith. Good-faith points, which offset assigned points, may be awarded by the assessor or conference officer.

IMMINENT HARM CESSATION ORDER (IHCO). The IHCO is the enforcement action used when the violation, condition, or practice is causing or is expected to cause imminent danger to public health or safety or significant imminent environmental harm. The IHCO requires the operator to cease at least that portion of the operations relevant to the violation and perform the specified corrective actions before resuming those operations.

IMPACT. An impact is the damage resulting from occurrence of an event.

NOTICE OF PROPOSED ASSESSMENT (NOPA). NOPA is the notice prepared by the assessor and sent to the mine operator or permittee informing him or her of a proposed penalty assessment. (See Appendix C for a copy of a NOPA.)

NOTICE OF VIOLATION (NOV). An NOV is the most frequently used enforcement action used to cite violations that do not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant imminent environmental harm to land, air, or water resources.

"P" HEARING. A "P" hearing is the formal review of the proposed civil penalty.

"R" HEARING. An "R" hearing is the formal review of the fact or facts of the violation.

VACATION. A vacation is the process whereby a Notice of Violation, Imminent Harm Cessation Order, or a Failure to Abate Cessation Order that was erroneously issued is removed from the records.

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