

**SAFETY AND ENVIRONMENTAL MANAGEMENT SYSTEMS (SEMS)
POTENTIAL INCIDENT OF NONCOMPLIANCE LIST**

General

S-001 HAS A SEMS BEEN DEVELOPED, IMPLEMENTED, AND MAINTAINED?

Authority: 30 CFR 250.1900 Enforcement Actions: W/S
30 CFR 250.1902

Procedure:

Review operator's SEMS and verify that all elements are addressed, implemented and/or maintained for each facility.

If Noncompliance Exists:

Issue one warning (W) INC if all elements described in 250.1902 are not addressed.

Issue one facility shut-in (S) INC if during an evaluation of an operator's SEMS program the operator has failed to develop, implement, and/or maintain a SEMS.

Inspection Count/ INC Count:

Enter one item checked/ issue one INC per evaluation.

S-002 HAS FORM BSEE-0131 BEEN SUBMITTED TO BSEE ON AN ANNUAL BASIS BY MARCH 31 OF EACH YEAR?

Authority: 30 CFR 250.1929 Enforcement Action: W

Procedure:

Verify that form BSEE-0131 has been submitted and that the operator has documentation of the form being submitted.

If Noncompliance Exists:

Issue one warning (W) INC if during an evaluation of the operator's SEMS the operator has no documentation of form BSEE-0131 being submitted annually.

Inspection Count/ INC Count:

Enter one item checked/ issue one INC per evaluation.

Audit of SEMS Elements

S-102 HAS AN AUDIT BEEN PERFORMED WITHIN TWO YEARS OF THE INITIAL IMPLEMENTATION OF THE SEMS AND AT LEAST ONCE EVERY THREE YEARS THEREAFTER?

Authority: 30 CFR 250.1920 Enforcement Action: W

Procedure:

Verify that the operator has audited its SEMS per the required timeline.

If Noncompliance Exists:

Issue one warning (W) INC if during an evaluation of the operator's SEMS program the operator does not provide the necessary documentation.

Inspection Count/ INC Count:

Enter one item checked/ issue one INC per evaluation.

S-103

HAS THE SEMS AUDIT PROVIDED EVIDENCE OF:

- 1. A PROFICIENT INDEPENDENT THIRD PARTY OR DESIGNATED AND QUALIFIED PERSONNEL?**
- 2. AT LEAST FIFTEEN PERCENT (15%) OF TOTAL FACILITIES, WITH A MINIMUM OF ONE FACILITY, BEING AUDITED?**
- 3. EXCLUSION OF FACILITIES INCLUDED IN THE MOST RECENT SEMS AUDIT?**
- 4. AN EVALUATION OF COMPLIANCES AND DEFICIENCIES OF ALL ELEMENTS OF THE OPERATOR'S SEMS?**

Authority: 30 CFR 250.1920
30 CFR 250.1926

Enforcement Action: W

Procedure:

Verify that the SEMS audit adheres to the four requirements.

If Noncompliance Exists:

Issue one warning (W) INC if an evaluation of the operator's SEMS audit does not find the necessary documentation.

Inspection Count/ INC Count:

Enter one item checked/ issue one INC per evaluation.

S-104

WAS A CORRECTIVE ACTION PLAN ADDRESSING THE DEFICIENCIES IDENTIFIED IN THEIR SEMS AUDIT SUBMITTED TO BSEE WITHIN 30 DAYS OF THE COMPLETION DATE AND WAS THE FOLLOWING ADDRESSED:

- 1. A PROPOSED SCHEDULE TO CORRECT THE DEFICIENCIES IDENTIFIED IN THE AUDIT?**
- 2. THE PERSON(S) RESPONSIBLE FOR CORRECTING EACH IDENTIFIED DEFICIENCY, INCLUDING THEIR JOB TITLE?**

Authority: 30 CFR 250.1920

Enforcement Action: W

Procedure:

Verify that the findings and conclusions of the audit were provided to BSEE within the specified timeframe and that the report addresses when the deficiencies will be corrected and the names and job titles of any people responsible for the corrections are included.

If Noncompliance Exists:

Issue one warning (W) INC if during an evaluation of the operator's SEMS audit the operator does not provide the necessary documentation.

Inspection Count/INC Count:

Enter one item checked/ issue one INC per evaluation.

S-105

DID THE OPERATOR FULFILL THE ACTIONS LISTED IN THE CORRECTION PLAN FROM THE SEMS AUDIT?

Authority: 30 CFR 250.1920

Enforcement Action: W/S

Procedure:

Verify that the actions listed in the corrective action plan were completed by the timeline provided and certified by a responsible party.

If Noncompliance Exists:

Issue one warning (W) INC if during an audit of the operator's SEMS program the operator does not provide the necessary documentation.

Issue one facility shut-in (S) INC if the corrective action is not completed per the corrective action plan.

Inspection Count/ INC Count:

Enter one item checked/ issue one INC per evaluation.