

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Hiawatha Mine
Permit #: C/007/0011

NOV 21169

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.
- e. Environmental harm.
- 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: No event occurred.

2. Has the event occurred? N/A

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? None

Explanation:

3. Did any damage occur as a result of the violation? None

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: The Permittee failed to provide water monitoring data in a timely manner, in accordance with the requirements in the MRP. The Permittee provided the data to abate the violation. By not submitting data as required, there is potential for impacts to water quality or quantity to occur without being noticed by the Division.

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: _____

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

Explanation: The Permittee was aware of the water monitoring requirements, and was warned numerous times in the past to submit data to the Division according to the required timeline.

- 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: _____

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

Explanation: _____

Explanation:

- 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: April Abate had written this same type of violation on March 19, 2012. Citaion # 10095.

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 Permittee quickly submitted the required water monitoring data asked for in the violation. The violation was issued on March 30, 2016, the abatement was completed on March 31, 2016, and the abatement deadline was one week from date of receipt of the citation.

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

Explanation: The Permittee had already collected the data, they just needed to provide it to the Division.

- 3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain. No

Explanation: _____

Amanda Daniels
Authorized Representative


Signature

5/2/2016
Date