

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Company/Mine Wellington Prep. Plant
Permit # ACT/007/012

NOV/CO # 00-39-1-1
Violation # 1 of 1

- A. **HINDRANCE TO ENFORCEMENT** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually or potentially (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

******Nick Siaperas tried to contact NEICO with the phone number on the I.D. sign located at the main gate to the Covol Prep. Plant. The phone call was made in the earlier part of the year, approximately April. I also called the number and the same resident answered the phone on August 19, 2000.***

- 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, explain.

Explanation

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

******Mr. Nick Siaperas tried to call NEICO, but a resident of Nevada answered the phone. The phone number was incorrect. The resident of Nevada called NEICO about the improper phone number. NEICO did check sign, but, overlooked the sign in question at the Covol's main gate to the Preparation Plant. Other signs throughout the property were correct. The resident was notified by NEICO that the numbers were correct and he was wrong.***

I called the number on the sign at Covol's main gate and the number was incorrect.

Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation

Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation

*****Yes, on January 17, 1996, Failure to have the current (active) telephone number displayed on identification sign. N96-39-1-1.**

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 dates) and describe the measures the operator took to comply as rapidly as possible.

*****Yes, the operator fixed the sign during the inspection.**

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.
3. Was the submission of plans prior to physical activity required by this NOV? If Yes, explain.

No.

Yes.

Stephen J. Demczak
Authorized Representative


Signature

September 1, 2000
Date