

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Andalex Resources, Inc/Centennial Project
Permit #: C/007/019

NOV # 10000

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 hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: Permittee failed to request a permit renewal 120 days before the existing permit expiration date. This time frame is established by regulation to allow adequate time for review, publication, and public comment.

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: The operator was under the impression that the permit renewal application needed to be submitted 10/04/06 instead of 09/04/2006 in order to meet the 120 day prior to expiration requirement. The operator is aware of the regulation that specifies that an application for a permit renewal is to be submitted 120 days prior to the expiration of the existing permit.

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 any conditions or stipulations of the approved MRP?

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: _____

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.

Explanation: The operator submitted an application for a permit renewal before the abatement date of October 5, 2006. The violation was issued on 09/27/2006 and terminated on 09/29/2006.

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

Explanation: The abatement required an application for a permit renewal. The ability to comply to this abatement item was within the resources of the operator.

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

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

October 5, 2006
Date