

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

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

NOV # 10009  
 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 hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The second quarter 2007 sediment pond inspections and/or reports were not available upon request as required by regulations

- 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: Indifference or lack of reasonable care. This function was being contracted to Blackhawk Engineering. The operator no longer retained a contractor to perform this work and failed to do so on their own. Documentation of the second quarter 2007 sediment pond inspections was not available upon request as required by law.

- 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?

**Hindrance to Enforcement  
Inspector's Statement**

NOV/CO # 10009  
Violation # 1 of 1

Explanation: Section R645-301-512.240 of the MRP indicates that sediment pond inspections will be preformed quarterly.

- 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: \_\_\_\_\_

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

Explanation: No, The caption in time (second quarter 2007) has already occurred.

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

August 29, 2007  
Date