

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine Andalex Resources/Centennial Mine
Permit #: C/007/0019

NOV #21197

A. 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.
- X g. Loss of reclamation/revegetation potential.
- X h. Reduced establishment, diverse and effective vegetative cover.
- i. No event occurred as a result of the violation.
- j. Other.

Explanation:

2. Has the event occurred?

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

The GVH sites for the Centennial mine were inspected on 9/20/2016, 8/22/2017 and some (1, 5, 5A, 12, 13, 15, 16 and 17) on 10/4/2017. The reports are included with this Inspector Statement. During these inspections it was noted that the gates were open on some of the sites, fences on some of the sites were taken down at the corners to allow cattle access for grazing and some of the sites were infested with thistle. These situations resulted in some loss of reclamation/revegetation potential and reduced establishment of diverse and effective vegetative cover in that the vegetation was not well enough established to withstand grazing or out compete the thistle.

Explanation:

3. Did any damage occur as a result of the violation?

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.

There was minimal damage to the fencing materials and vegetation. Grazing damage was limited to the reclaimed sites and in some instances the thistle had extended beyond the reclaimed sites.

Explanation: _____

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- X 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:

It seemed fairly obvious that the open gates and laid down fence corners were the result of the land owner wanting to allow cattle to graze the GVH sites. The permittee had not indicated that there had been any communication with the land owner regarding the need to have these sites fenced until they could withstand grazing.

- X 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 9/20/16 inspection report noted that fencing repairs and thistle spraying needed to be completed at certain GVH sites. The 8/22/17 and 10/04/17 reports basically noted the same situation with a greater infestation of thistle.

If the actual or potential environmental harm 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:

- 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: _____

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 violation has not been abated.*

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

Explanation: *The permittee most likely needed to purchase some fencing materials.*

3. Was the submission of plans prior to physical activity required by this NOV / CO? If yes, explain.

Explanation: *No plans were required to abate the violation.*

Joe Helfrich
Authorized Representative

Signature

10/23/2017
Date