HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: NOV # 10134
Permit **#: C/007/0020** Violation # 2 of 2

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 Permittee failed to submit July thru September 2013 water monitoring data for all wells, springs, and stream monitoring locations. Ground and surface water monitoring locations are required to be monitored once each quarter per MRP requirements found in sections 7.1.5 and 7.2.2.3 of the approved MRP. Without this data the Division cannot perform an evaluation of ground and surface water conditions around the mine.

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 Permittee is required to monitor these locations each quarter. During the third quarter of 2013 the Permittee continued monitoring UPDES sites 001 and 002 as required by the Division and the Department of Environmental Quality, but did not monitor the rest of the Division approved locations.

☐ 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: The approved MRP contains surface and groundwater monitoring sections. These are found in section 7.1.5 and 7.2.2.3 of the MRP. These sections state that water monitoring will occur each quarter.

☒ 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: NOV# 10133 issued on January 6, 2014, sited the same violations, but for second quarter 2013.

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: _____

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

Explanation: _____

Amanda Daniels		1/9/14
Authorized Representative	Signature	Date

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