#4691

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Hidden Splendor Resources/Horizon Mine
Permit **#: C/007/0020**

CO # 13152
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 Permittee failed to submit July thru September 2014 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 section 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 second quarter of 2013, the Permittee began bankruptcy procedures. Since that time the Permittee has continued to monitor 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 required locations except for fourth and first quarter of each year. This is because the Permittee can report "no access" due to snow and ice during those quarters and still fulfill the monitoring requirements.

☐ 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 sections 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: DOGM has previously written three violations for failure to collect water monitoring data for the second and third quarter of 2013, and the second quarter of 2014. These are filed as NOV #s 10133, 10134, and 11146.

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: No abatement possible, the quarter has passed.

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		October 6, 2014
Authorized Representative	Signature	Date

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