EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 21151
Violation # 1 of 2

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

Explanation: The Permittee failed to maintain a number of culverts and ditches, resulting in structures not performing as originally designed and approved. If the structures are not improved and maintained back to their original design, damage to nearby streams, drainages, and the permit area in general could occur.

2. Has the even occurred? No

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).

Explanation: It is not likely that water pollution and damage to nearby streams could immediately occur, due to the sloping of the site that would still most likely send disturbed drainage to the sediment pond.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: During large storm events there is a slight potential for disturbed drainage to leave the permit area without being treated as designed.

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.

Explanation: _____

☒ 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: The poor maintenance of the permit area is very evident. If there were not as much erosion taking place at the site as there currently is, the culverts would be much less likely to experience plugging. There does not appear to be any regular maintenance taking place at the site.

☐ 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: Similar violations have been issued twice in the past. NOV 10140 was issued on 5/27/2014, and NOV 17150 was issued on 4/16/2015.

C. GOOD FAITH

Event Violation Inspector's Statement

NOV/CO # 21151
Violation # 1 of 2

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: As of August 26th, the violation does not appear to have been abated. A Failure to Abate, Cessation Order (FTACO 21155) was issued on 8/4/2015 for this.

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

Explanation: There is no longer personnel or equipment on site.

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

Explanation: _____

Amanda Daniels		August 27, 2015
Authorized Representative	Signature	Date

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