HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Hidden Splendor Resources, Horizon Mine
Permit #: C007/0020

NOV # 21176
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:

Notice of violation #21176 (NOV) was issued on April 21st, 2016. The NOV was issued for the Permittee's failure to comply with terms and conditions of the mining and reclamation plan (MRP). Specifically, the Permittee failed to provide an annual P.E. certified impoundment inspection for 2015, an annual summary of water monitoring data for 2015 as well as the spring and fall macroinvertebrate surveys for Gordon Creek for 2015.

By failing to provide the aforementioned information, the Permittee hindered the ability of Division of Oil, Gas and Mining (DOGM) staff from determining whether operations at the Horizon Mine were being conducted according to the MRP and that the mining and reclamation activity were not producing off-site impacts.

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:

It would appear that the Permittee has all but completely discontinued any active monitoring and on-going maintenance of the Horizon Mine site; including adherence to the terms and conditions of the MRP.

☐ 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 Permittee was required to conduct fall and spring macro-invertebrate surveys per a commitment in the approved MRP. Additionally, the MRP requires providing DOGM with an annual hydrologic monitoring report.

☒ 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 issued numerous NOV's for not complying with the conditions of the MRP and State Coal rules since early 2015.

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:

I do not believe that good faith points are warranted based on the Permittee's most recent operating history.

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: _____

Hindrance to Enforcement
Inspector's Statement

NOV/CO # _____
Violation # _____ of _____

_____
Authorized Representative

Signature

5/10/16
Date

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