

**EVENT VIOLATION INSPECTOR'S STATEMENT**

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

NOV # 21187  
Violation # 1 of 1

**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: Due to the failure of the undisturbed culvert UC-1, additional undisturbed drainage is now being routed through the sediment control pond. The pond was not designed to handle this additional water and as a result will discharge more frequently. There was evidence during the inspection that the pond had recently discharged, and during discussions with the Division of Water Quality, it appears that the Permittee is not taking samples of the discharge or submitting Discharge Monitoring reports to DWQ. The failure of these culverts is causing undertreated disturbed water to discharge from the permit boundary.

2. Has the even occurred? Yes

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: The pond will continue to discharge with each additional rainstorm. It is likely that this will happen.

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

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: It is assumed that with the discharge of undertreated disturbed drainage that additional suspended solids left the permit boundary. The inspection did not occur when discharge was happening, so there are no water samples to analyze. This will continue to happen if the violation is not abated.

**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: If the permittee had representatives on site, the problems with culverts may have been spotted earlier and maintenance would have been taking place. They also would have conducted water sampling. The permittee did none of this.

- 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: The Division has numerous outstanding FTACOs for the Horizon Mine permit. There has also been a large number of sediment control violations written over the last three years, specifically; 21151 (7/16/2015), 17150 (4/16/2015), 10141 (5/27/2014), and 10140 (5/27/2014)

**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 yet been abated, it is unlikely that the Permittee will do any work towards abating the problems.

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

Explanation: There are no people 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

\_\_\_\_\_  
Authorized Representative

*Amanda Daniels*

\_\_\_\_\_  
Signature

10-13-16

~~October 25, 2016~~

\_\_\_\_\_  
Date