

HINDRANCE TO ENFORCEMENT VIOLATIONS  
INSPECTOR STATEMENT

Company/Mine West Ridge, Inc  
Permit # West Ridge / ACT 007/041

NOVICO # 00-26-1-1  
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 was ~~OR potentially~~ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

*The division had a 11/1/2000 due date on the submission of six items specified in the technical analyst. The permittee did not ask for an extension. The due date passed by 25+ days.*

- 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:

- (X) 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 was under the impression that he had responded to all the inquiries by the Division*

- ( ) 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: *Not directly on the MRP, but responding to a technical analysis was the problem. This was due 11/1/2000. The permittee did not request an extension.*

- ( ) 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: *This is the first violation issued pursuant to a T.A.*

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.

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

3. Was the submission of plans prior to physical activity required by this NOV? Yes \_\_\_ No X If Yes, explain. *The permittee recognized that he is responsible; however he questions if he was given proper advice.*

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

*Jim J. Malenak*  
Signature

*11/27/2000*  
Date