

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: West Ridge Resources, Inc/West Ridge Mine
Permit #: C/007/041

NOV # N02-49-2-1
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 hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The operator was diverting underground mine water through disturbed culverts and diversions. This mine water is being stored in the sediment pond. The disturbed culverts, diversions, and the sediment pond are not designed for conveyance and/or storage of mine water. The underground mine water has a permitted UPDES discharge point (002). This outfall places the mine water into the undisturbed bypass culvert. The UPDES permit also lists (001) Sediment pond discharge point. The disturbed area culverts, ditches, and sediment pond are not designed or approved for conveyance and/or storage of mine water under permit C/007/041.

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: _____

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 disturbed culverts, diversions and sediment pond are not designed or approved for conveyance and/or storage of mine water. The underground mine water has a permitted discharge point (002). This outfall is approved by the UPDES permit and is discussed in the approved MRP.

- 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: _____

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: Good Faith will be addressed upon completion of the work.

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

Explanation: None

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

Explanation: The water should be directed as authorized by the UPDES permit and the approved MRP. Submission of plans is an option that the operator can utilize if compliance with UPDES discharge limits is an issue at outfall (002).

Karl R. Houskeeper
Authorized Representative


Signature

November 21, 2002
Date