

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

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

NOV # N04-49-1-1
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 hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: Applications for permit renewals will be filed with the Division at least 120 days before expiration of the existing permit. The permit renewal application was submitted only 85 days before expiration of the existing permit.

- 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: The violation was indifference to DOGM regulations or the result of lack of reasonable care. R645-303-232.100 specifically states that the application be submitted 120 days prior to expiration of the existing permit. The existing permit expires on 04/01/2004 and the application was received on 01/07/2004.

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: This permit is an active permit with the right of a successive renewal. The renewal application did not meet the required 120 day limit prior to permit expiration.

- 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: The violation was issued and terminated on the same day. The operator submitted the application for a permit renewal 85 days prior to permit expiration (01/07/2004). The regulations required the application be submitted 120 days prior to permit expiration (04/01/2004). The permit renewal application was determined complete by the Division on (01/14/2004).

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

Explanation: NA

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

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Signature

January 26, 2004
Date