

## EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Fossil Rock mine  
Permit #: C/015/009

NOV # 21173  
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.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input type="checkbox"/>            | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input checked="" type="checkbox"/> | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Drainage ditches at the waste rock site do not match the designs or narrative in the MRP for Ditch DA, Ditch DB, and the ASCA at the southern end of the Subsoil Pile.

2. Has the event occurred? NA

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:

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: There was no off site impact.

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: The Permittee failed to maintain the aforementioned diversions in accordance with the approved Mining and Reclamation Plan (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 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: \_\_\_\_\_

**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 Permittee was given 60 days from receipt to abate the violation. The Permittee received the violation on April 14, 2016; 60 days from this date is June 13, 2016. The Permittee has not re-established the diversions according to the approved design(s) in the MRP. On May 6<sup>th</sup>, 2016 the Permittee submitted an analysis of the two ditches and the ASCA silt fence at the site. Instead of constructing the ditches to design, the analysis proposes to submit a permit

modification to keep the ditches in their current as-built state. They have provided a narrative with supporting calculations to justify why the ditches should be kept as they are.

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? Yes If yes, explain.

Explanation: No

Keenan Storrar  
Authorized Representative

  
Signature

May 17, 2016  
Date

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