

**HINDRANCE TO ENFORCEMENT VIOLATIONS**  
**INSPECTOR'S STATEMENT**

Company/Mine: PacifiCorp/Deer Creek Mine  
Permit #: C/015/018

NOV # N06-39-1-1  
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: The permittee did not enter water information from several water monitoring sites for third quarter into the electronic water data system by January 1, 2006. The Division e-mailed the permittee informing them what water samples were missing. This was on January 30, 2006. The inspector contacted the Salt Lake Office (Dana) on February 6, 2006; the samples had not been entered into the EDS as of that date.

- 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 permittee was notified that several water samples information was not enter into the EDS on January 30, 2006. The information was not entered into the EDS one week later or February 6, 2006. The inspector informed the permittee that a violation would be issued. The permittee enter the information the same day (February 6, 2006).

- 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 is permit condition #3. The permittee must enter water quality data using the EDS (Web site).

- 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: The permittee received a violation for not following the approved plan in gathering water samples information. Notice of Violation N04-39-1-1 was given on January 30, 2004.

**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 permittee abated the violation the same day by entering water information into the Division's web site.

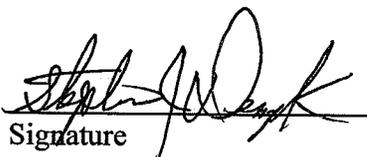
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The permittee had a computer to enter the water information into the Division's web site.

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

Explanation: \_\_\_\_\_

Stephen J. Demczak  
Authorized Representative

  
Signature

February 16, 2006  
Date