HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

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

NOV # 21160
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: Did not conduct 3rd quarter 2015 refuse pile/waste rock inspection or certified report.

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: Lack of resonable care. The waste rock site was sold on August 4, 2015 to Bowie Refined Coal. The refuse pile/waste rock site is still in the Deer Creek Mining Permit. Deer Creek nor Bowie conducted the 3rd quarter 2015 waste rock sediment pond inspection and subsequent report as required by regulation. This responsibility remains with Deer Creek until the refuse pile/waste rock site permit is segregated for the Deer Creek permit and a new permit is issued to Bowie.

☐ 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: Quarterly waste rock sediment pond inspection at the refuse pile/waste rock 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: _____

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: _____

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? No If yes, explain.

Explanation: _____

Hindrance to Enforcement
Inspector's Statement

NOV/CO # 21160
Violation # 1 of 1

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

November 12, 2015
Date

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