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EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Co-Op Mining Company /Bear Canyon Mine
Permit # C/015/025

NOV # 2001-43-1-1
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that **the event is NOT the same as the violation.** Mark and explain each event.

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

Explanation:

Sediment control structures - straw bales - were not adequately maintained and sediment was carried outside the permit area by runoff.

2. Has the event occurred? Yes X No

Explanation:

Sediment had accumulated to the top of the straw bales at the permit area - disturbed area boundary, along the toe of the outslope at the ballfield topsoil pile. The bales were no longer able to trap sediment in water flowing off the permit area, and some sediment had been carried beyond the permit boundary.

3. Did any damage occur as a result of the violation?

 No.

X Yes:

Explanation:

Sediment was carried outside the permit area. Damage to vegetation and soil did not appear severe or permanent. There was no evidence that the sediment reached Bear Canyon Creek. If the violation had not been discovered, runoff would have continued to deposit sediment outside the permit area, and it is possible that sediment could have reached Bear Canyon Creek, either because of a large precipitation event or simply from cumulative impacts from lesser events.

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:

- (X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation:

It was due to lack of reasonable care. The sediment should have been removed from behind the straw bales during routine maintenance. It was noted in the December 2000 inspection that the sediment behind the bales was almost to the top of the bales at that time.

- () 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 dates) and describe the measures the operator took to comply as rapidly as possible.

The operator has 30 days to abate, and the next inspection has not been done yet.

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

Yes: hand tools or small power equipment are sufficient to maintain the straw-bale sediment control structures

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

James D. Smith
Authorized Representative

[Handwritten Signature]
Signature

21 Mar '01
Date