

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine C.W. Mining Co./Bear Cyn Mines NOV ~~100~~ # N04-46-1-1  
Permit # C/015/025 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. Uncontrolled drainage; additional suspended solids.
- 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. Performance Standard B-5.

Explanation: The permittee was cited for failing to maintain 4 ditches and 2 culvert inlets. These are designated as ditches D-8D, D-3D, D-1U, D-1D and culverts C-16U, and C-15U.

2. Has the event occurred? Yes  No

Yes: Describe it.

No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Snow melt + spring freeze/thaw cycles have rolled rock & debris off of escarpments, with the material ending up in ditches. Also, material handling at the site has caused a blockage in the ditch D-8D; visual evidence of uncontrolled drainage was noted. The repair of a water line close to ditch D-3D left excess material in that ditch.

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

No.

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:

No damage was visible.

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:

- ( ) 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: *Diversion maintenance has been cited by the DOGM in the past (NO3-46-2-2, 2 of 2) (January, 2003) Ditch D-1U (Culvert C-1U) was also cited in that violation.*

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.

Violation issued 3/23/2004; remedial action is pending at time of completion of this document. Good faith points must be addressed at a later time, /PHH.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance. It is believed the permittee has the necessary resources on hand to address the maintenance.

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

Peter Hess #46  
Authorized Representative

Peter Hess  
Signature

3/24/2004  
Date