

0012

"Failure to Collect Baseline Water Monitoring Data During August 2005"

HINDRANCE TO ENFORCEMENT VIOLATIONS INSPECTOR STATEMENT

Company/Mine CO-OP Mining Co. / Bear Cyn Mine
Permit # C/015/025

NOVICO # NO6-46-1-1
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 _ OR potentially _ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The Permittee failed to analyze for the additional baseline water monitoring parameters required during August 2005. This is an MRP requirement (Table 7-14).

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

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() 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:

() 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: Yes; the requirement to analyze for baseline parameters for all surface and ground water monitoring points in August of year 5 prior to each permit renewal.

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 has received several water monitoring violations prior to receipt of NO6-46-1-1. I believe this was an oversight made by the Permittee

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. Does Not Apply

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance. The Permittee must wait for low flow conditions during August 2006 to collect the baseline data required to abate this violation.

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

Peter Hess
Authorized Representative

Peter Hess
Signature

2/3/2006
Date