

*Internal*  
*C/015/0025*

HINDRANCE TO ENFORCEMENT VIOLATIONS  
INSPECTOR STATEMENT

Company/Mine C.W. Mining Co. / Bear Canyon NOV/CO # 10020  
Permit # C/015/025 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 X (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The Permittee failed to require the approved MRP parameters on the lab request for analyses for 11 surface and ground water monitoring sites. This may skew data for those sites, which will require extending the baseline monitoring period for an additional quarter for at least the 11 sites.

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, explain.

Explanation: It is believed that the person who was conducting the surface and ground water monitoring for the fourth quarter of 2007 for the Permittee was not aware of the serious responsibility involved in checking all appropriate required parameters for surface and ground water data collection. That person whited out the ammonia parameter requirement on 11 collected samples, and failed to require a total of ten other parameters for surface water monitoring point MH-2.

( ) 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:

- ( X ) Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: Yes; it is the Permittees responsibility to properly implement the approved ground and surface water monitoring plan.

- ( X ) 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:

Yes. The ground and surface water monitoring regime at Bear Canyon is a complicated plan, with numerous sites. It is easy to commit an error. It is believed however, that this violation is a result of apathy on the part of the water monitoring individual.

**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 Permittee took action to correct the problem by establishing a required list of paramters for each water monitoring site at Bear Canyon. All that is required is that each monitoring point have a sheet printed off, and sent with the samples to the lab. This should correct the problem. The Permittee took this action to correct the problem prior to discussing this NOV with the Division. The maximum amount of good faith points should be awarded.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.
  
  
3. Was the submission of plans prior to physical activity required by this NOV? Yes  No  If Yes, explain.

Peter Hess #46      *Peter Hess*      May 15, 2008  
Authorized Representative      Signature      Date