

EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 10047
Violation # 1 of 1

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event 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: Approximately 4-5 loader buckets full of sediment laden snow were pushed and/or dumped over the disturbed area berm adjacent to the #4 truck loadout. The placement of the sediment laden snow is between the berm and Bear Creek, within the stream buffer zone.

2. Has the even occurred? No

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: The event has not occurred. If temporary sediment control structures are not installed when the snow melts it could convey the sediment mixed in the snow into Bear Creek. The probability of this occurance without sediment control is Likely.

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

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Sediment and sediment laden snow were pushed outside of the disturbed area. The sediment laden snow was pushed over a disturbed area berm and placement of the snow is between the berm and Bear Creek, within the stream buffer zone. The matrial is currently within the permit area, but if left untreated could liberate itself into Bear Creek and extend off the

permit area. This area has been impacted by the addition of sediments within the stream buffer zone.

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: Lack of reasonable care.

- 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: Placement of sediment laden snow outside of the disturbed area and within the stream buffer zone.

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

Explanation: There are two abatement times specified in the NOV. March 8, 2010 was given to install temporary sediment control in such a manner as to prevent the sediment from and sediment laden snow from entering Bear Creek at the time of snow melt. This condition was met

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on March 1, 2010. May 3, 2010 or when snow melt has occurred was given to then remove the sediment and then the temporary sediment control structures from the effected area. This condition at the time of this statement is pending.

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

Explanation: Yes, silt fence was available on site. However it was determined to use weed free straw bales which were acquired within in a short duration of time.

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

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

March 2, 2010
Date

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