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HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Castle Valley Mining Company
Permit #: C/015/0025

NOV # 10096
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 hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: The Permittee failed to collect samples within the month specified in accordance with their sampling plan listed in Chapter 7, Table 7-14 of the Mining and Reclamation Plan. Operator also failed to provide a complete set of operational data parameters for spring sample SBC-14 for the 4th quarter of 2011. As a result of the lack of data, the Division itself was unable to perform a timely review and evaluation of the water monitoring data.

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, explain.

Explanation: The Permittee was not aware of the requirement for the monthly sampling to be collected during *specific* months as outlined in the plan. The operator assumed that as long as the samples were to be taken within the quarter, they were in compliance. In the matter of SBC-14, the operator has shown a continued pattern of not uploading a complete set of data for a given sample(s) in past quarters. This was typically handled by informing the operator by email that they were missing data, but technically, this is a violation since all data are required to be uploaded to the Division database by the end of the subsequent quarter after data are collected.

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?

**Hindrance to Enforcement
Inspector's Statement**

NOV/CO # 10096
Violation # _____ of _____

Explanation: _____

- 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:

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.

Explanation: Operator had collected data from SBC-14 but a complete parameter list was not uploaded by the 4th 2011 quarter deadline of March 31, 2012. The data were uploaded as requested in NOV #10096 on June 4, 2012.

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

Explanation: _____

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

Explanation: _____

Authorized Representative



Signature

June 4, 2012
Date