

#4941

EVENT VIOLATION INSPECTOR'S STATEMENT

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

NOV # 19154
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.
- X j. Offsite contributions of additional suspended solids

Explanation: Additional contributions of suspended solids from the access road to the # 4 portal and conveyor had been deposited into an undisturbed drainage that flows into Bear creek. There is a spring in the undisturbed drainage that flows into Bear creek at several GPM.

2. Has the event occurred? Yes

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 drainage controls (ASCAS, culverts and ditches) on the access road to the #4 portal had not been adequately maintained. Sediment had filled in the ASCA areas and some of the culverts and ditches compromising their ability to prevent sediment loading. The ASCAS were full of sediment and run-off by-passed them resulting in eroded outcrops along the access road. Coal fines from the conveyor had entered the undisturbed drainage in the form of a slurry in several places as well as from breaks in the conveyor.

3. Did any damage occur as a result of the violation? Yes, sediment loading and establishment of vegetation along the banks of the undisturbed drainage.

If 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: It is uncertain the amount of damage that may have occurred if not discovered by a DOGM inspector. However it did extend off the disturbed area.

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: The permittee has not taken the time to adequately maintain the sediment control structures and conveyor system.

- 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: _____

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: The Nov has not been terminated; it was extended to August 16th, 2015.

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? Yes If yes, explain.

Explanation: _____

Joe Helfrich
Authorized Representative


Signature

July 27, 2015
Date