HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Company/Mine I & P Investments, LLC., Green Peak Quarry NOV# MN-05-01-12(2)
Permit # M/003/060 Violation # 2 of 2

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.
By not placing the perimeter markers as required by the permit prior to expanding into the new area, hindered my ability to determine whether the operation was within the permitted area or not.

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: The quarry foreman was aware of the permit requirement to mark the area, and materials were on site. For whatever reason, he had not taken the time to place the markers before he expanded the disturbed area.

( ) 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 permit conditions of the approved NOI?

Explanation: The BLM surface right-of-way and the permit required the area by marked with metal posts prior to expanding into the new area.

( ) 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.
   An inspection on August 24, 2005 (just two days after the NOV was issued) found that the violation had been abated.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.
   Considering how rapid the abatement was completed, I suspect that the operator had the materials for marking the perimeter of the permit area.

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

Lynn Kunzler		September 1, 2005
DOGM Inspector	Signature	Date