File: M0470036

EVENT VIOLATION
INSPECTOR'S STATEMENT
MINERALS REGULATORYPROGAM

Company/Mine: TME Asphalt Ridge, LLC/Cameron #1 Mine — CO # MC2006-03-14-01
Permit #: M0470036 — Violation # 1 of 1

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: The operator has been mining outside the approved permit area. Injury to the public was not likely, but there was environmental damage in the form of land disturbance and possibly some water pollution (see below).

2. Has the event or damage 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 disturbance occurred, but it is unlikely there would be any injury to the public.

3. Did any damage occur as a result of the violation? Yes
4. 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: There are 7.24 acres of disturbance in addition to 2.04 acres that has been regraded and seeded. This is a small mine, so no disturbance beyond five acres is allowed. The operator is bonded for five acres of active disturbance plus the two acres of graded/seeded area, so about two acres of the existing disturbance is not bonded.

Damage is mostly confined to land disturbance, but the operator has expanded an access road into what appears to be a wetland. Damage resulting from this part of the disturbance could result in water pollution extending outside the mine area, but it would be minor.

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: I believe the operator was not paying attention to the amount of area that was being disturbed and simply expanded beyond the five-acre limit. In addition, the notice of intention does not contain a good operations map, so the operator didn't have a good idea what area could be disturbed.

☐ 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 cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: This operator has not received a violation for this site, but the record in the file shows previous operators have exceeded acreage limitations.

Was any economic benefit gained by the operator for failure to comply? Yes.
If yes explain.

Explanation: The additional area allowed the operator to mine areas not previously approved. This probably allowed the operator to sell about 10,000 tons of asphalt to Uintah County.

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 cessation order has not yet been fully abated, but the operator has completed some of the abatement requirements and is pursuing completion of the rest.

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? _____ If yes, explain.

Explanation: _____

Paul B. Baker		December 21, 2006
Authorized Representative	Signature	Date

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