

<b>DIVISION OF MINERAL MINING PROCEDURES MANUAL</b>		<b>PROCEDURE NO.</b>	2.9.00
		<b>ISSUE DATE</b>	05/21/97
<b>SUBJECT</b>	Notice of Non-Compliance	<b>Section</b>	Enforcement
		<b>Last Revised</b>	

**OBJECTIVE AND INTENT:**

Complete, accurate, and consistent procedures for the issuance and reporting of enforcement actions involving Notices of Non-compliance is important in providing quality services to customers and stakeholders as well as maintaining a record and history of violations on each mine permit/license site.

**PROCEDURES:**

- A Notice of Non-Compliance will be written by the Mine Inspector when it is found that an operator has not complied with the violation within the compliance period of a Special Order, and justification for an extension of the abatement period is not warranted by the Mine Inspector.
- When the Mine Inspector issues a Notice of Non-compliance it will be discussed with the operator in person or by telephone. The Mine Inspector will emphasize the seriousness of the action and relate the possible consequences of not complying with the Notice. The operators will also be advised of their right of appeal.
- The Mine Inspector will discuss what work is necessary to terminate the Non-compliance and this will be documented in an Inspection Report.
- If the Mine Inspector can not contact the operator, he will document his efforts to do so in the Inspection Report and include what measures must be taken to comply with the Notice of Non-compliance as well as the operators right to appeal the Notice. This will be sent certified mail return receipt requested to the operator at his last official address.
- The Mine Inspector will include the following items in the Notice of Non-compliance:
  - \* Those items listed in the Special Order;
  - \* Those items listed in the Special Order that have not been completed.
- In writing a Notice of Non-compliance the Mine Inspector will include:
  - \* Date of issuance and expiration;
  - \* Location and description of violation;
  - \* Work required for compliance;
  - \* Work done towards compliance, if any;
  - \* Section of regulations violated.
- The Mine Inspector will inform the Mine Inspector Supervisor upon expiration of the Special Order and other information pertaining to the Notice of Non-compliance.
- When hand delivering a Notice of Non-compliance, the Mine Inspector will:
  - \* Have the original copy of the Notice signed by the operator;
  - \* Return the signed copy to the DMM office;
  - \* Present the operator with a copy of the Notice.

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- All Notices of Non-compliance will be accompanied by an Inspection Report documenting the inspection, all actions taken, and all efforts taken to contact the operator.
- The Mine Inspector will make a sufficient number of inspections before the expiration date of the Notice of Non-compliance and continue to inform the operator of the seriousness and consequences if compliance is not achieved on or before the expiration date. All work done towards compliance will be documented on an Inspection Report.
- The Mine Inspector is to fully document any contact, conversation, inspection, or any event that is relative to the Notice of Non-Compliance.

Data Entry:

See *DMM Policy 2.8: Data Entry* for proper steps in entering Notices of Non-compliance into the Mineral Mining System.