

25.0 RULE 6.4.25: EXHIBIT Y – CERTIFICATION OF PRIOR & CURRENT VIOLATIONS

All In Situ Leach Mining Operations Regardless of Designated Mining Operation Status

In addition to all other required exhibits, any permit application for an in situ leach mining operation or any request for transfer of minerals permit and succession of operations of operators for any in situ leach mining operation shall include this Exhibit Y.

(1) Applicants for a permit for any in situ leach mining operations shall include in their application a Certification of Prior and Current Violations that includes:

(a) A certified statement by the Applicant that the applicant or an affiliate, officer, or director of the Applicant has not violated environmental protection requirements of the Act and these regulations, a permit issued under the Act, or any analogous law, rule or permit issued by another state or the United States within a period of ten (10) years prior to the date of the submission of the application;

(b) A certified statement by the Applicant that the Applicant or an affiliate, officer, or director of the applicant, the operator, or the claim holder has not committed a pattern of willful violations of the environmental protection requirements of the Act, regulations, a permit issued under the Act and regulations, or an analogous law, rule, or permit issued by another state or the United States.

(2) If the Applicant is not able to certify as required by Rule 6.4.25(1), the Applicant shall certify the circumstances of the violations or pattern of violations including:

(a) A description of the nature of the violation including the governmental agency that found the violation, where and when it took place, the type of mine involved, any corrective actions and fines imposed for such violation, the status of the violation and any corrective actions and fines imposed for such violation, and any pending administrative or judicial action related to the violation;

(b) A description of the pattern of violations including as to each violation in the pattern of violations, the governmental agency that found the violation, the type of mining operation involved, where and when the violation took place, the corrective actions and fines imposed for such violation, the status of the violation and any corrective actions and fines imposed for such violation, and any pending administrative or judicial action related to the violation;

- (c) Contact information from each federal or state agency involved in each violation or each pattern of violations including the name of the agency, the name of a person in that agency that can confirm the violation or pattern of violation information the Applicant has submitted and the contact person's telephone number and address.
- (d) Any other information requested by the Office or Board about the violations or pattern of violations.
- (e) Any explanation of the circumstances of any violations, the relationship between the Applicant and the violator, and any other information the Applicant believes to be relevant.
- (f) The Applicant has a continuing obligations to update the information required in this exhibit throughout the permit application process and, if the permit is granted, throughout the life of the permit if any changes to the information occurs.
- (3) To constitute a certified statement the applicant must attest to the truthfulness of the statement in a form approved by the Board.

This section is not applicable.