

Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

Case ID #: 206942

September 9, 2022

Gold Paradise Peak Inc.
Attention: Gang Chen
1660 S Amphlett Blvd
Ste 104
San Mateo, CA 94402

Subject: 570 Adit Waste/Tailings Senator Highway, Place ID 185727
LAT: 34d, 25', 39.7308" N LNG: 112d, 25', 47.046" W

NOTICE OF VIOLATION

This Notice of Violation (NOV) is an informal compliance assurance tool used by the Arizona Department of Environmental Quality (ADEQ) to put a responsible party (such as a facility owner or operator) on notice that the Department alleges a significant violation of an environmental requirement has occurred and this notice describes the facts known to ADEQ at the time of issuance. ADEQ has reason to believe that Gold Paradise Peak Inc. as the owner/operator of 570 Adit Waste/Tailings Senator Highway has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit, license, or administrative order. ADEQ identified the violations alleged below during an inspection or file review completed on August 11, 2022. See the Evidence of Compliance section below for the actions necessary to demonstrate resolution of the alleged violation(s).

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

If this NOV is a result of an inspection then the NOV also serves as a monthly status update as required by A.R.S. § 41-1009(J).

I. LEGAL AUTHORITY and NATURE OF ALLEGED SIGNIFICANT VIOLATION(S)

1. **A.R.S. § 49-255.01(A)**

Addition of a pollutant to navigable waters from a point source without a permit.

During the inspection, material from the tailings/waste pile was observed to be discharging into the Hassayampa River.

II. LEGAL AUTHORITY and NATURE OF OTHER ALLEGED VIOLATION(S)

1. **Permit 81366 - Multi-Sector General Permit AZMSG2019-002; Part 2.2.1.2.3**

Failure to maintain all control measures that are used to achieve effluent limits in this permit in effective operating conditions, as well as all industrial equipment and systems, in order to minimize pollutants in stormwater discharge.

Main Office

1110 W Washington Street ● Phoenix, AZ 85007
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400 W Congress Street ● Suite 433 ● Tucson, AZ 85701
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During the inspection, the silt fence at the toe of the slope of the tailings/waste pile was observed to be toppled over. Material from the tailings/waste pile was observed to be toppling over both the silt fence and straw wattles.

2. **Multi-Sector General Permit AZMSG2019-002; Part 2.2.1.2.8**

Failure to train employees who work in areas where industrial materials or activities are exposed to stormwater, or who are responsible for implementing activities necessary to meet the conditions of the permit, including the stormwater pollution prevention team.

During the inspection, employee training records were not available for review.

3. **Multi-Sector General Permit AZMSG2019-002; Part 4.1**

Failure to conduct routine inspections as required by the permit.

During the inspection, routine inspection documentation was not available for review.

4. **Multi-Sector General Permit AZMSG2019-002; Part 5.3**

Failure to keep an up-to-date Stormwater Pollution Prevention Plan (SWPPP).

ADEQ provided comments on the Senator Mine SWPPP to Gold Paradise Peak, Inc. on July 18, 2022 to incorporate into the Senator Mine SWPPP. The SWPPP and site map had not been updated by the time of inspection.

5. **Multi-Sector General Permit AZMSG2019-002; Part 6.1.5**

Failure to prepare a Sampling and Analysis Plan (SAP) and/or failure to adhere to the laboratory analysis requirements.

During the inspection, a written Sampling and Analysis Plan (SAP) was not available for review.

III. EVIDENCE OF COMPLIANCE

If you believe this Notice contains violations that did not occur, please submit evidence within 10 calendar days of receipt of this Notice demonstrating that the violation(s) never occurred. Upon receipt of such evidence, if ADEQ agrees that the violations(s) did not occur, ADEQ will either rescind or amend the Notice. ADEQ will provide you with the conclusion of its evaluation.

Otherwise, please provide evidence of compliance by meeting the conditions below. If ADEQ recommends a condition to assist you in achieving compliance, it will clearly note that the condition is recommended to be met and is not required by law.

1. Within 15 calendar days of receipt of this Notice, please submit photographic documentation that control measures at the toe of the slope of the tailings/waste pile have been repaired and or replaced. All control measures shall be installed properly. [Part 2.2.1.2.3]
2. Within 15 calendar days of receipt of this Notice, please submit an electronic copy of a sign-in sheet documenting that training has been provided to all relevant facility personnel. Training topics shall include, but are not limited to, specific control measures and the monitoring, inspection, planning, reporting, and documentation requirements described in the permit. [Part 2.2.1.2.8]
3. Within 15 calendar days of receipt of this Notice, please submit documentation that routine

inspections are being conducted and documented as required by Part 4.1 of the permit. Supporting documentation must include a routine inspection form that includes all of the requirements outlined in Part 4.1.1 of the permit. [Part 4.1]

4. Within 15 calendar days of receipt of this Notice, please submit revised portions of a SWPPP that meets the requirements of Part 5.0 of the Multi-Sector General Permit and includes the following:
 1. Site Map:
 - a. Direction of stormwater flow
 - b. Location of stormwater monitoring points
 - c. Location of stormwater outfalls
 - d. Approximate areas draining to each outfall
 2. ADEQ comments provided to Gold Paradise Peak on July 18, 2022
5. Within 15 calendar days of receipt of this Notice, please submit an electronic copy of a written Sampling and Analysis Plan (SAP) that includes sample collection, preservation, tracking, and handling Information; calibration and maintenance of monitoring equipment; and analytical methods and laboratories. [Part 6.1.5]

IV. SUBMITTING COMPLIANCE EVIDENCE

Please send all compliance evidence and any other written correspondence regarding this Notice by email to saeed.steven@azdeq.gov or by mail to the following address:


Arizona Department of Environmental Quality, Attention: Steven Saeed, SWP Inspections & Compliance Enforcement Unit, 400 W Congress, Ste 433, Tucson, AZ 85701 MC: 5415B-2

V. STATEMENT OF CONSEQUENCES

Timely and good faith efforts to achieve and provide evidence of compliance within the time frames established in this Notice will be considered in determining whether ADEQ will further pursue unilateral formal enforcement, including an administrative compliance order or civil action requiring compliance within a reasonable time frame, civil penalties, and/or the suspension or revocation of an applicable permit/license. If you cannot meet the time frames established in this Notice, negotiate a compliance schedule in an administrative consent order or judgment. Failure to do so will be cause for ADEQ to pursue unilateral formal enforcement.

VI. OFFER TO MEET

ADEQ is willing to meet regarding this Notice and can provide information on how to return to compliance. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Steven Saeed at (520) 628-6743.


[Leigh Padgitt \(Sep 9, 2022 12:55 PDT\)](#)

Leigh Padgitt, Manager
SWP Inspections & Compliance Enforcement
Unit



Steven Saeed
SWP Inspections & Compliance
Enforcement Unit