



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

INSPECTION REPORT

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Division Director

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Partial: XXX Complete: Exploration:

Inspection Date & Time: 8/26/98 / 8:00a.m.-1:00p.m.

Date of Last Inspection: 7/1/98

Mine Name: Horizon Mine County: Carbon Permit Number: ACT/007/020
Permittee and/or Operator's Name: Horizon Mining LLC
Business Address: PO Box 599, Helper Utah 84526
Type of Mining Activity: Underground XXX Surface Prep. Plant Other
Company Official(s): Vicky Miller (Consultant), John Walters
State Officials(s): Bill Malencik Federal Official(s): None
Weather Conditions: Clear, Rained morning before the inspection
Existing Acreage: Permitted- 317 Disturbed- 9 Regraded- Seeded- Bonded- 9
Increased/Decreased: Permitted- Disturbed- Regraded- Seeded- Bonded-
Status: Exploration/ XXX Active/ Inactive/ Temporary Cessation/ Bond Forfeiture
Reclamation (Phase I/Phase II/ Final Bond Release/ Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

- 1. Substantiate the elements on this inspection by checking the appropriate performance standard.
a. For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

Table with 5 columns: Item, EVALUATED, N/A, COMMENTS, NOV/ENF. Rows include items like PERMITS, CHANGE, TRANSFER, RENEWAL, SALE; SIGNS AND MARKERS; TOPSOIL; HYDROLOGIC BALANCE; DIVERSIONS; SEDIMENT PONDS AND IMPOUNDMENTS; etc.



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(Comments are Numbered to Correspond with Topics Listed Above)

General Comments

A partial inspection for the month of August was conducted by the undersigned. Two significant items were discussed.

Item 1: Issued violation for moving the riparian soil from one area on the topsoil pile, "Area A" to another area on the topsoil pile, "Area B".

"A" is located on the lower end of the topsoil pile and was not seeded, but is scheduled to be seeded this fall. This topsoil area contained non-riparian topsoil and a small segregated and signed separate riparian topsoil pile.

"B" is located on the upper end of the topsoil pile and is vegetated and this soil was associated with the initial mine development under Brad Borquin.

In my opinion, the movement of the riparian topsoil does not have any long term environmental impacts and does not adversely impact the capability of the riparian soil brought about by it's movement and storage from "A" above to "B" above.

The short term environmental issues, in my opinion, are of a De minimis nature. Nevertheless, Division management has repetitively asked the operator to communicate with designated personnel in the Division rather than take an independent action.

I issued the violation for two reasons:

Reason 1: Moving topsoil without Division approval.

Reason 2: Permittee continues to take independent actions without communication with Division personnel as suggested by the Director on items of concern.

I have been told by several responsible officials that how SMCRA's individual state coal rules are interpreted on minor issues is different in Kentucky and Utah.

I'm obligated to follow the Utah Coal Rules and Utah Policies; I had no recourse but to issue the violation. Therefore, the permittee and staff needs to become increasingly more knowledgeable of the Utah mandates.

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Item 2: Suggested the permittee make a field review IE., mine maps -vs- what's on the ground. The purpose is to compare Utah Coal Rules mining components on the map -vs- those on the ground. If there are components on the ground not authorized, permit change must be submitted to the Division. Suggest this be done the forepart of September. The undersigned at the September complete inspection will also do a ground truth exercise. Therefore, it behooves the permittee to take whatever corrective action before my September inspection as they deem necessary.

Diversions All diversions met performance standards; one undisturbed and one disturbed contained water.

Sediment Pond The pond was full of water, primarily mine water. The spillway oil skimmer device was in place. Took a photo of the spillway, including the recently installed oil skimmer.

Development Waste Observed development waste and was advised that the next removal and storage is scheduled in September.

Revegetation The seeding completed by the permittee is a success. This includes seeded areas within and outside of the disturbed area. The seeding outside the disturbed area was authorized under arrangements made between the landowner and the permittee. The work included cleaning up junk, trash, regrading, site preparation, and seeding.

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas, and Mining.

Copy of this Report:

Mailed to: Vicky Miller (Horizon/Earthfax) Henry Austin (OSM)

Given to: Joe Helfrich (DOGM) Filed to: Price Field Office

Date: August 28, 1998

Inspector's Signature: _____



Wm. J. Malencik

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