0017

STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

cessation order

NO. C 99-26-1-1

To the following Permittee or Operator:

Name HORIZON MINING, LLC

Mine HORIZON MINE ☐ Surface ☒ Underground ☐ Other

County CARBON State UTAH Telephone (801) 237-1998

Mailing Address 111 EAST BROADWAY, SUITE 900 SLC, UT 84111

State Permit No. ACT/007/020

Ownership Category ☐ State ☐ Federal ☒ Fee ☐ Mixed

Date of inspection APRIL ~~XX~~ 7 1999, 19 ____.

Time of inspection 9:30 ☒ a.m. ☐ p.m. to 2:00 ☐ a.m. ☒ p.m.

Operator Name (other than Permittee) ____

Mailing Address ____

Under authority of the Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, *Utah Code Annotated*, you are ordered to **cease immediately** the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **this order does** ☒ **does not** ☐ **require cessation of mining** expressly or in practical effect. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This order shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the Division of Oil, Gas & Mining.

Date of service/mailing 4-8-99 Time of ~~service/mailing~~ Fax 3:15 ☐ a.m. ☑ p.m.

Denise Dragoo — Permittee/Operator representative
Signature: Denise Dragoo, 9:30am April 9, 1999

Resident Agent — Title

William J. Malencik — Division of Oil, Gas & Mining representative
Signature: Wm. J. Malencik

Reclamation Specialist — Title

26 — Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

DOGM/CO-1

an equal opportunity employer

Rev. 5/92

IMPORTANT — READ CAREFULLY

1. PENALTIES.

a. **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas & Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to $5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violations within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of $750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

An informal public hearing may be held at or near the mine site if this notice requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it. (See Utah Admin. R. 645-400-350 et seq.)

If this notice requires cessation of mining, it will expire within 30 days from date you are notified unless an informal public hearing is held or waived, or the condition, practice or violation is abated within the 30-day period. You will be notified of date, time and location of hearing.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice or assessment before the Board of Oil, Gas & Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 645-401-800 et seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult ***Utah Code Annotated*** Section 40-10-20, 21, 22 and 23, Utah Admin. R. 645-400-300 et seq. and R. 645-401 et seq. or contact the Division of Oil, Gas & Mining at (801) 538-5340.

CESSATION ORDER NO. C 99-26-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

Conducting coal mine and reclamation operations and extracting coal without a valid coal mine permit.

Provisions of act, regulations or permit violated

Utah Code Annotated, Title 40, Chapter 10, Paragraph 40-10-9 (1)
Utah Administrative Code Rules
R645-300-140
R645-300-141

Check appropriate box

- ☐ Condition, practice or violation is creating an imminent danger to health or safety of the public.
- ☒ Permittee/Operator is/has been conducting mining activities without a permit.
- ☐ Condition, practice or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.
- ☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N_____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

Cease mining in that portion of the Horizon Mine that lies outside of the DOGM approved permit area, specifically cease mining of Federal Coal Lease UTU-74804 outside of the BLM Right of Way, and 1st Left, North Mains.

Affirmative obligation(s) and abatement time (if applicable)

1) Stop mining coal outside of the approved DOGM permit boundary. (Immediately)

2) If the permittee desires to resume mining in any part of the Federal Coal Lease, submit a complete plan to DOGM for the mining of Federal Coal Lease UTU-74804 in it's entirety within 60 days.

3) Obtain approvals from DOGM & Dept. of the Interior to mine Federal Coal Lease

WHITE-DOGM YELLOW-~~DOGM~~ Permittee PINK-~~PERMITTEE/OPERATOR~~ OSM GOLDENROD-NOV FILE

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

CESSATION ORDER NO. C 99-26-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

Provisions of act, regulations or permit violated

Check appropriate box

- ☐ Condition, practice or violation is creating an imminent danger to health or safety of the public.
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- ☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N_____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

Affirmative obligation(s) and abatement time (if applicable)

UTU-74804.

4) Not withstanding requirements of this cessation order, permittee must comply with any and all MSHA orders relating to the cessation of mining outside the approved permit boundary.

WHITE-DOGM YELLOW-~~OSM~~ permittee PINK-~~PERMITTEE/OPERATOR~~ OSM GOLDENROD-NOV FILE