



OGMCOAL DNR <ogmcoal@utah.gov>

Fwd: Hidden Splendor Resource, Inc.

1 message

Steve Christensen <stevechristensen@utah.gov>

Wed, May 7, 2014 at 8:54 AM

To: awalkerlaw@aol.com

Cc: Daron Haddock <daronhaddock@utah.gov>, OGMCOAL DNR <ogmcoal@utah.gov>

Good morning Alex,

Thanks for taking the time to chat with us this morning. I've had a chance to discuss the three items identified on the April 8th, 2014 'Completion of Midterm Review' letter (Task ID #4512, response due May 9th) with the staff. Your request for an extension to the June 5th meeting date is approved for the bonding issue identified in the letter. The other two outstanding issues identified in the April 8th letter can be handled differently. For clarity sake, I'll go the three deficiencies in the April 8th letter individually:

1) MACRO-INVERTEBRATE SURVEY- Joe Helfrich (biologist) identified a commitment in Volume 3, Chapter 10 of the MRP relative to macro-invertebrate surveys being conducted in the spring and fall. I've attached the actual MRP language for your reference. Based on the approved language in the MRP, the surveys are to be conducted in the "*spring (late May/early June)*" and in "*fall (September/October)*". Given that time-frame, you still have until the end of the 1st week of June to conduct the macro-invertebrate survey. As such, it is the expectation of the Division that the surveys be done according to the plan.

2) TOPSOIL PILE/EROSION ISSUE- During the March 11th, 2014 mid-term site inspection conducted by Division staff, Joe Helfrich identified an erosion issue on the topsoil pile located adjacent to the surface facilities pad. This issue will be handled through our routine inspection and enforcement process and is hereby removed from consideration relative to the mid-term review (#4512). I've attached the inspection report generated from the March 11th, 2014 site visit and highlighted several items of concern. In addition to the top-soil issue, other issues were identified relative to diversion ditch maintenance, sediment control maintenance as well as water monitoring requirements. Our assigned inspector, Karl Houskeeper, will follow up on these and document that these issues have been adequately addressed.

3) BONDING ISSUE- Your request for an extension to the June 5th, 2014 due date for the mid-term response is granted for the revised bonding costs.

We do empathize with the current situation you're dealing with at the Horizon Mine site. Hopefully, you can find a buyer who is willing to take the reins at the mine. Until such time, the bad news is that the commitments in the MRP and requirements of SMCRA must still be addressed. Unfortunately, we don't have much wiggle room to afford you. Failure to follow the requirements of your permit will only result in additional enforcement action being taken and nobody wants that. Please understand that the Division doesn't have the option of ignoring the coal mining rules and the MRP commitments.

If you have any questions, please don't hesitate to contact myself or Daron Haddock.

Regards,
Steve

2 attachments

20140506172221.pdf
202K

 **20140506170824.pdf**
87K

10.2.2.3 Reptiles and Amphibians

These species were surveyed in combination with other field efforts. For most reptiles and amphibians, sightings provided sufficient detail on abundance and distribution. Amphibians, however, were surveyed by visiting potential breeding sites, such as ponds or marshy areas, during the spring breeding period, when they could be identified by their vocalizations.

10.2.3 Aquatic Studies

Field and lab methods used in the North Fork Gordon Creek and Beaver Creek aquatic studies were selected in describing the biotic and abiotic components of study area streams, discerning possible impacts of the proposed mining operation, and recommending future mitigation and monitoring programs. Biotic components specifically included sampling for macroinvertebrates and evaluating the fisheries potential. Abiotic components included field techniques for testing water quality, as well as descriptions of substrate and channel morphology. Studies were conducted in November 1980 and April and June 1981.

The overall quality of aquatic habitat in Jewkes Creek is limited due to erosion, siltation, limited cover, and low flow during most months, except during spring runoff. Jewkes Creek runs over an area disturbed by mining, grazing, and recreational use. In addition the county road (Consumer/Clear Creek) along most of Jewkes Creek provides a source for dust, debris, and silt. During 1995 the road was graded and widened constantly by a logging operation, timbering along the Consumer/Clear Creek road near Beaver Creek, causing a substantial increase of erosion and siltation in the both Jewkes and Beaver Creeks. Several springs contributing to Jewkes Creek run along the road, thus collecting more sediment than prior to the logging operation. The Consumer/Clear Creek road connecting Carbon County Road 290 to Utah State Highway 96 at Clear Creek has been used for recreation and the movement of livestock since the early 1900. The road receives use from snowmelt in the Spring to snowfall in the Winter.

Under the present conditions Jewkes Creek is limited in it's ability to support aquatic life. The presence of thick silt/clay layer on the creek substrates limit the development of a productive and diverse macroinvertebrate community, thus fish would not have a sufficient food source in Jewkes Creek.

A spring (late May/early June) and a fall (September/October) macroinvertebrate survey will be performed in the North Fork of Gordon Creek, by a qualified person, on standardized dates beginning in the spring of 2001. The surveys will be done every year for three years then every other year after that until final bond release. On each sampling date, samples will be taken from a site 0.2 of a mile above the confluence of the Jewkes Creek and the North fork of Gordon Creek, and a site 0.1 below the confluence of those streams. The Division will be notified prior to the surveys.

In conjunction with the discharge of in-mine water to the sediment pond in 1998 and 1999 a W.E.T. Chronic Toxicity Report was prepared. Tests were performed on fathead minnows and ceriofaphnia dubia to determine survival and reproduction in the water being discharged from the mine and the water in Jewkes Creek. The report and its findings are located in Appendix 7-2, Attachment A.

INCORPORATED

JUL 01 2005

DIV OF OIL GAS & MINING



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Inspection Report

Permit Number:	C0070020
Inspection Type:	PARTIAL
Inspection Date:	Tuesday, March 11, 2014
Start Date/Time:	3/11/2014 9:45:00 AM
End Date/Time:	3/11/2014 10:30:00 AM
Last Inspection:	Thursday, February 20, 2014

Inspector: Amanda Daniels

Weather: Cold and windy; blowing snow. Site is drifted.

InspectionID Report Number: 3774

Accepted by:

Representatives Present During the Inspection:	
OGM	Amanda Daniels
OGM	James Owen
OGM	Joe Helfrich
OGM	Pete Hess

Permittee: **HIDDEN SPLENDOR RESOURCES**

Operator: **HIDDEN SPLENDOR RESOURCES**

Site: **HORIZON MINE**

Address: **57 WEST 200 SOUTH, SUITE 400, SALT LAKE CITY UT 84101**

County: **CARBON**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **ACTIVE**

Current Acreages

1,577.00	Total Permitted
9.50	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

There is no one at the site and the gate below the office trailer is closed and locked.
This visit was conducted as part of the Midterm Permit Review, Task ID # 4512

The Division has been trying to contact Mr. Alex Walker, resident agent for several weeks, to no avail. It is understood that a meeting between Mr. Walker and the Division is scheduled for Tuesday, March 18, 2014.

Inspector's Signature

Amanda Daniels,
Inspector ID Number: 67

Date Tuesday, March 11, 2014



REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

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 Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference 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, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Signs and Markers

The contact information for the Company on the Permittee ID sign is no longer in effect; the sign needs to be updated.

3. Topsoil

The topsoil storage area along the left side of the property as you enter the gate is showing signs of erosion and soil deposition into the diversion ditch below the stockpile. The soil retention waddles are not effectively retaining the topsoil.

4.a Hydrologic Balance: Diversions

The diversions did contain some drifted snow at the time of the midterm site visit. Ditch DD-6 and its corresponding inlet into the sediment control pond need to be maintained. The inlet is showing significant erosion.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The mine site sediment pond was mostly frozen over, and not discharging. The December 2013 pond inspection conducted by Kit Pappas was reviewed, and the report indicated that the pond does not yet need to be cleaned.

4.c Hydrologic Balance: Other Sediment Control Measures

Some of the excelsior logs paralleling the toe of the topsoil pile on the left side of Coal Canyon are in need of replacement/

4.d Hydrologic Balance: Water Monitoring

No water monitoring is being conducted although the site is in temporary cessation status. Two notices of violation (N10133 and N10134) have been issued for "failure to conduct..."

4.e Hydrologic Balance: Effluent Limitations

There are two UPDES permits for the site, one for pond discharge and one for mine discharge. Since the mine stopped operating, the mine has stopped discharging.

15. Cessation of Operations

There are no security personnel on site. The conveyor on the surface is separated in at least two places. The belt magnet and ash analyzer have been removed.

18. Support Facilities, Utility Installations

The AC power was off.

22. Other

The hollow block stopping in the intake portal and the Kennedy metal panel stopping in the belt portal, as well as the chain link guarding were intact. The stoppings are only temporary in nature.