Citations Home Page

Citation for Non-Compliance
Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10141
Permit Number: C0070020
Date Issued: 05/27/2014

☑ NOTICE OF VIOLATION ☐ CESSATION ORDER (CO) ☐ FAILURE TO ABATE CO

Permittee Name: HIDDEN SPLENDOR RESOURCES	Inspector Number and ID:	67	ADANIELS
Mine Name: HORIZON MINE	Date and Time of Inspection:	05/21/2014	2:00 pm
Certified Return Receipt Number: 70123460000295595932	Date and Time of Service:	05/27/2014	

Nature of condition, practice, or violation:
Failure to maintain the sediment pond as designed and approved in the Mining and Reclamation Plan (MRP). The inlet from ditch DD-6 is extremely eroded and the 2" diameter decant pipe, as shown on Detail 1 of Plate 7-6, was not visible during the inspection. At the time of the inspection, it appeared that the sediment holding capacity of the pond has been exceeded and may require cleaning.

Provisions of Act, regulations, or permit violated:
R645-301-752.100

☐ **This order requires Cessation of ALL mining activities.** (Check box if appropriate.)

☐ Condition, practice, or violation is creating an imminent danger to health or safety of the public.	☐ Permittee 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 has failed to abate Violation(s) included in ☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.

☐ **This order requires Cessation of PORTION(S) of mining activities.**

Mining activities to be ceased immediately: ☐ Yes ☐ No	Abatement Times (if applicable).

Action(s) required: ☑ Yes ☐ No
(1) The Permittee must repair the sediment pond and associated features (i.e. decant pipe, inlets) to meet the approved design specifications in the MRP.
(2) Provide a Professional Engineer (P.E.) certified survey report indicating the elevation of the sediment level in the pond. If the surveying data indicates the sediment level is above the clean-out, as detailed in the MRP, the Permittee must remove the accumulated material from the pond. As the sediment level of the pond is now in question, a professional survey is now required.

ALEX WALKER	AMANDA DANIELS
(Print) Permittee Representative	(Print) DOGM Representative
Permittee Representative's Signature - Date	DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

Original – DOGM Files Copy – Permittee Form DOGM NOV/CO Revised – August, 2006

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. **PENALTIES.**

   Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within ***15 days of the date this notice or order is served on you or your agent.*** Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

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

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

2. **INFORMAL PUBLIC HEARING.**

   On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

   If this notice requires cessation of mining, it will expire within 30 days from the 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.

3. **FORMAL REVIEW AND TEMPORARY RELIEF.**

   You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

   Secretary
   Board of Oil, Gas, and Mining
   1594 West North Temple, Suite 1210
   PO Box 145801
   Salt Lake City, Utah 84114-5801

   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. Code R645-401-800 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 Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

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:	Wednesday, May 21, 2014
Start Date/Time:	5/21/2014 2:00:00 PM
End Date/Time:	5/21/2014 3:00:00 PM
Last Inspection:	Thursday, May 08, 2014

Representatives Present During the Inspection:	
OGM	Amanda Daniels
OGM	Pete Hess
OGM	Daron Haddock

Inspector: Amanda Daniels,

Weather: Clear, 65F

InspectionID Report Number: 3858

Accepted by: jhelfric
5/29/2014

Permitee: **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

- [x] Federal
- [ ] State
- [ ] County
- [x] Fee
- [ ] Other

Types of Operations

- [x] Underground
- [ ] Surface
- [ ] Loadout
- [ ] Processing
- [ ] Reprocessing

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

An inspection took place at the Horizon Mine on May 21, 2014. On site from OGM were Daron Haddock, Amanda Daniels and Pete Hess. During the inspection, overall site maintanance was evaluated. Corresponding pictures are attached. See NOVs 10140, 10141, and 10142.

Inspector's Signature Amanda Daniels, **Date** Thursday, May 22, 2014

Inspector ID Number: 67

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

UTAH DNR OIL, GAS & MINING

Permit Number: C0070020
Inspection Type: PARTIAL
Inspection Date: Wednesday, May 21, 2014

Inspection Continuation Sheet

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 performace 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	☐	☐	☐	☐
2.	Signs and Markers	☐	☐	☐	☐
3.	Topsoil	☑	☐	☑	☐
4.a	Hydrologic Balance: Diversions	☑	☐	☑	☑
4.b	Hydrologic Balance: Sediment Ponds and Impoundments	☑	☐	☑	☑
4.c	Hydrologic Balance: Other Sediment Control Measures	☐	☐	☐	☐
4.d	Hydrologic Balance: Water Monitoring	☐	☐	☐	☐
4.e	Hydrologic Balance: Effluent Limitations	☐	☐	☐	☐
5.	Explosives	☐	☐	☐	☐
6.	Disposal of Excess Spoil, Fills, Benches	☑	☐	☑	☐
7.	Coal Mine Waste, Refuse Piles, Impoundments	☐	☐	☐	☐
8.	Noncoal Waste	☑	☐	☑	☑
9.	Protection of Fish, Wildlife and Related Environmental Issues	☐	☐	☐	☐
10.	Slides and Other Damage	☐	☐	☐	☐
11.	Contemporaneous Reclamation	☐	☐	☐	☐
12.	Backfilling And Grading	☐	☐	☐	☐
13.	Revegetation	☐	☐	☐	☐
14.	Subsidence Control	☐	☐	☐	☐
15.	Cessation of Operations	☐	☐	☐	☐
16.a	Roads: Construction, Maintenance, Surfacing	☐	☐	☐	☐
16.b	Roads: Drainage Controls	☐	☐	☐	☐
17.	Other Transportation Facilities	☐	☐	☐	☐
18.	Support Facilities, Utility Installations	☐	☐	☐	☐
19.	AVS Check	☐	☐	☐	☐
20.	Air Quality Permit	☐	☐	☐	☐
21.	Bonding and Insurance	☐	☐	☐	☐
22.	Other	☐	☐	☐	☐

3. Topsoil

Excelsior logs along the toe of the topsoil piles, on the North side of the facility, are in need of maintance. See pictures 18 and 19.

4.a Hydrologic Balance: Diversions

Undisturbed drainage culverts UC-2 (picture 20) and UC-3 (pictures 11 and 12) are both partially blocked by debris and waste. The outlet of UC-1 (picture 6) is almost completely plugged and should be cleaned immediatley. Culvert DC-1 (picture 15) is also partially blocked. All drainage ditches throughout the facility need mainatance, but currently DD-6 (picture 1) and DD-1 (pictures 21, 22, and 23) do not have the ability to effectivley transmit water. See NOV 10140.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

As indicated in plate 7-6 of the approved MRP, the plan indicates that there should be a 2" diameter decant pipe at elevation 7570.4'. This pipe is not visible (picture 7). A new sediment marker was installed in the pond (picture 5), the pond should be cleaned out as soon as possible. Inlet from ditch DD-6 (pictures 2, 3, and 10) is severly eroded and needs to be fixed. See NOV 10141.

6. Disposal of Excess Spoil, Fills, Benches

Slopes above the pond and above ditches DD-1H and DD-1I (pictures 25, 26, and 27) are eroding and should be maintained.

8. Noncoal Waste

Waste is located throughout the site and should be cleaned up. One of the oil barrels have falled into Jewkes Creek and sits at the inlet of UC-3 (picture 12). It is unclear if this barrel is empty. Other waste located throughout the site is documented in picture 16 and almost all of the other attached pictures. See NOV 10142.

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Alex Walker, Resident Agent
Hidden Splendor Resources, Inc.
57 West 200 South, Suite 400
Salt Lake City, Utah 84101

PS Form 3800, August 2006 See Reverse for Instructions