



Suzanne Steab <suzannesteab@utah.gov>

Notices of Violation

Suzanne Steab <suzannesteab@utah.gov>

Thu, Jul 16, 2015 at 11:47 AM

To: Alex Walker <awalkerlaw@aol.com>

Cc: Amanda Daniels <amandadaniels@utah.gov>, "Haddock, Daron" <daronhaddock@utah.gov>

Hello Alex,

Please see the attached NOVs along with the Inspection Report dated 7/15/15.

The original NOVs and copy of the inspection report will be sent to you via certified mail on 7/16/15.

Thank you

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Suzanne Steab, Engineering Technician II
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

3 attachments

 **07152015.pdf**
4081K

 **NOV21151.pdf**
206K

 **NOV21153.pdf**
206K



**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 #: 21151

Permit Number: C0070020

Date Issued: 07/16/2015

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: 07/15/2015 11:00 am
Certified Return Receipt Number: 70123460000295596335	Date and Time of Service:

Nature of condition, practice, or violation:
Failure to maintain the inlet to culvert DC-2 and the outlet of culvert UC-1. The inlet to culvert DC-2 has been completely buried by mud. The outlet of UC-1 is half full of sediment and should be cleaned. Currently culvert DC-2 has no ability to transmit storm water. The outlet of UC-1 should be maintained to prevent future problems. The Permittee did not follow the maintenance commitments from page 7-61 of the approved MRP. Pictures are attached to the corresponding inspection report.

Provisions of Act, regulations, or permit violated:
R645-301-752.100, R645-301-731.121, R645-301-742.100

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

<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> 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: <input type="checkbox"/> Yes <input type="checkbox"/> No	Abatement Times (if applicable).

Action(s) required: Yes No
Remove mud and debris blocking the inlet of DC-2, and remove sediment from the outlet of UC-1. These culverts should be maintained to function as originally designed and approved in the Mining and Reclamation Plan. This work must be completed 7 days from the receipt of this notice.

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

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

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 (DOGGM) 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 DOGGM.

1. PENALTIES.

Proposed assessment. DOGGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGGM to consider regarding the cessation order and proposed fine, please submit that to DOGGM 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 DOGGM 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 DOGGM. 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.



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 #: 21153
Permit Number: C0070020
Date Issued: 07/16/2015

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: 07/15/2015 11:00 am
Certified Return Receipt Number: 70123460000295596335	Date and Time of Service:

Nature of condition, practice, or violation:
 The Permittee failed to protect topsoil from erosion. Topsoil storage Areas D and E, as shown on Plate 8-1A of the approved MRP, are located on the south facing slope of Portal Canyon. The waddles that were recently re-staked have not been properly maintained to prevent topsoil from eroding off the piles. Pictures area attached to the corresponding inspection report.

Provisions of Act, regulations, or permit violated:
 R645-301-234.230

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

<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> 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: <input type="checkbox"/> Yes <input type="checkbox"/> No	Abatement Times (if applicable).

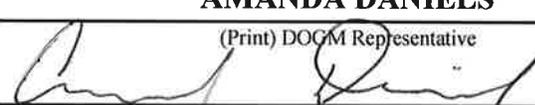
Action(s) required: Yes No
 The damage to the topsoil piles "Area E" and "Area D" as shown on Plate 8-1A must be repaired and protections re-established to prevent further erosion from taking place. This work should be completed 14 days from the receipt of this notice.

ALEX WALKER

 (Print) Permittee Representative

 Permittee Representative's Signature - Date

AMANDA DANIELS

 (Print) DOGM Representative


 DOGM Representative's Signature - Date

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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.

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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.

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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, July 15, 2015
Start Date/Time:	7/15/2015 11:00:00 AM
End Date/Time:	7/15/2015 11:45:00 AM
Last Inspection:	Thursday, June 11, 2015

Inspector: Amanda Daniels

Weather: Sunny, warm

InspectionID Report Number: 4243

Accepted by:

Representatives Present During the Inspection:	
OGM	Amanda Daniels
OGM	Keenan Storrar
OGM	Cheryl Parker

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:

A partial inspection was performed on July 15, 2015. During the inspection there was evidence that the site had seen recent rainfall events and that as a result, maintenance of the site needed to occur. NOVs 21151 and 21153 were issued from this inspection. See details in "Hydrologic Balance: Diversion" and "Topsoil" below.

Inspector's Signature

Amanda Daniels

Date

Wednesday, July 15, 2015

Amanda Daniels,

Inspector ID Number: 67

Note: This inspection report is issued as a public document. It is not intended to be used as a permit or as a basis for enforcement actions. It is the responsibility of the permittee to ensure compliance with the regulatory program of the Division of Oil, Gas and Mining. telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov



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 checked="" 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 checked="" type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input 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 facility sign is still in place and clearly displays required information.

3. Topsoil

Topsoil piles "Area D" and "Area E" have waddles placed at the toe of the slope to prevent eroding topsoil from washing into disturbed ditches and into the sediment pond. These waddles need constant maintenance, and even though they were recently re-placed at the Division's request, they are already failing to protect topsoil from eroding off the piles. These waddles are clearly not maintained well enough and are not effectively protecting topsoil. See NOV 21153.

4.a Hydrologic Balance: Diversions

The inlet to DC-2 was completely buried by mud. The culvert was blocked completely and there was evidence that stormwater had exceeded the capacity of the inlet structure, and then flowed down over the lower disturbed area. NOV 21151 was issued for failing to maintain this inlet as well as the outlet of UC-1, which was partially filled with sediment. The inlet to DC-2 should be corrected as soon as possible, and the outlet of UC-1 should be cleared.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The pond continues to fall into more and more disrepair. The inlets continue to erode and become more unstable. The banks have larger and larger erosion rills, and there is evidence of animal burrowing in the banks of the pond, that should be repaired. FTACO 12147, issued August 5, 2014, is still outstanding.

4.c Hydrologic Balance: Other Sediment Control Measures

Erosion is still taking place on the south facing slope on the upper portion of the site. Waddles were placed in the erosion rills recently, and while it has helped a small amount, the slope is continuing to erode. A waddle had been placed in minor erosion taking place between the road and the sediment pond, it appears to have helped during the most recent storms, but should be cleaned.

4.e Hydrologic Balance: Effluent Limitations

While there appears to have been a number of rain events in the area recently, the pond is filling, but has not yet discharged.

8. Noncoal Waste

The recent rains have exposed more trash on site. Pieces of metal, wood, plastic, and other trash are located throughout the disturbed area.

16.b Roads: Drainage Controls

Some of the ditches in the disturbed area may require small amounts of maintenance after the recent storms.

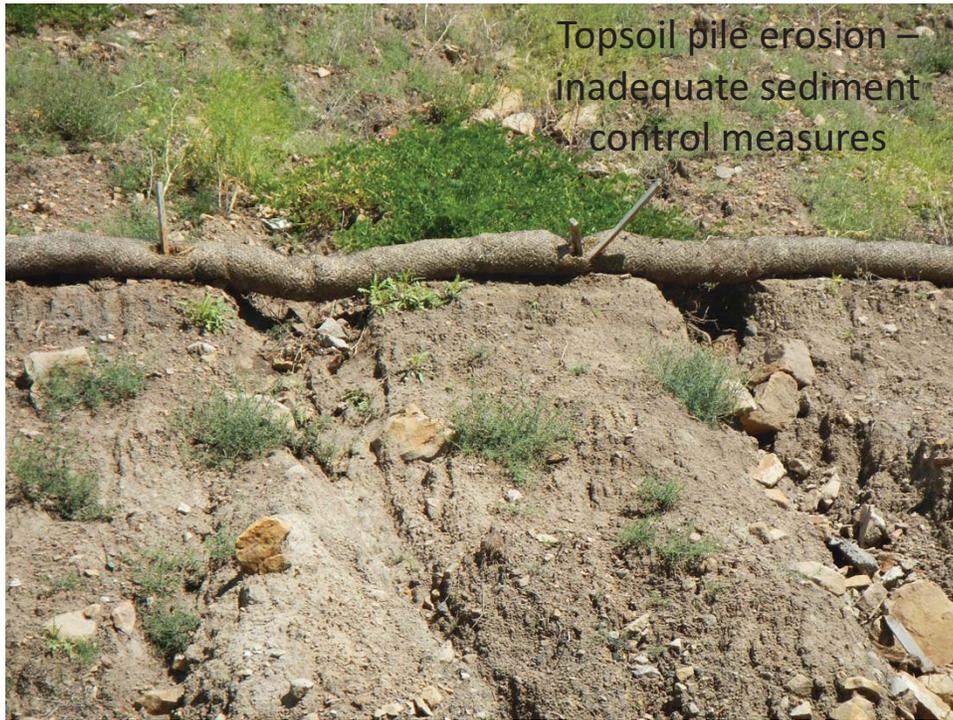
Permit Number: C0070020
Inspection Type: PARTIAL
Inspection Date: Wednesday, July 15, 2015

22. Other

The escape/vent shaft located on the south facing slope, above the portal structures, has been backfilled, and a standing pipe has been place in the backfill. See attached pictures for more detail.







Topsoil pile erosion –
inadequate sediment
control measures



Topsoil pile erosion –
inadequate sediment
control measures





Sediment Pond - inlet



Sediment Pond – inlet,
coal mine waste
pushed into pond









Sediment Pond



Sediment Pond