



Suzanne Steab <suzannesteab@utah.gov>

NOVs 21168 & 21170

Suzanne Steab <suzannesteab@utah.gov>

Thu, Mar 31, 2016 at 2:05 PM

To: Alex Walker <awalkerlaw@aol.com>

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

Please see attached. Originals mailed via certified mail 7012 3460 0002 9559 6700 3/31/16.

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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

 **N21168.pdf**
194K

 **N21170.pdf**
191K

 **0720C0324.pdf**
1244K



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 #: 21168
Permit Number: C0070020
Date Issued: 03/24/2016

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: 03/24/2016 10:00 am
Certified Return Receipt Number: 70123460000295596700	Date and Time of Service: 03/31/2016

Nature of condition, practice, or violation:
 The Permittee failed to protect topsoil from erosion. The topsoil pile just above the portal structures has an erosion rill that is allowing topsoil to erode from the pile. See pictures attached to inspection report 5472.

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: Yes No **Abatement Times (if applicable).**

Mining activities to be ceased immediately: <input type="checkbox"/> Yes <input type="checkbox"/> No	Abatement Times (if applicable).

Action(s) required: Yes No

The erosion rills located on the topsoil piles must be repaired re-seeded. The area around the topsoil pile must also be repaired to prevent future erosion problems. This would include cleaning ditch DD-2 and stabilizing the slope above the topsoil pile on the south facing slope of Portal Canyon. This work should be completed 14 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 (DOG M) 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.



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 #: 21170
Permit Number: C0070020
Date Issued: 03/24/2016

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: 03/24/2016
Certified Return Receipt Number: 70123460000295596700	Date and Time of Service: 03/31/2016

Nature of condition, practice, or violation:
 Failure to place coal mine waste in approved disposal areas and to follow approved plan (MRP Section 3.2.3.1).

Provisions of Act, regulations, or permit violated:
 R645-301-528.320, R645-301-536

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

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Mining activities to be ceased immediately: <input type="checkbox"/> Yes <input type="checkbox"/> No	Abatement Times (if applicable).

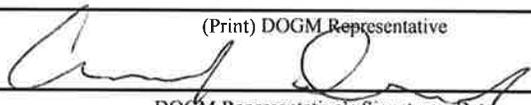
Action(s) required: Yes No
 Dispose of all coal mine waste on the permit area in accordance with the approved MRP and R645-301-500 rules. These actions should be completed within 30 days of the receipt of this citation.

ALEX WALKER

 (Print) Permittee Representative

 Permittee Representative's Signature - Date

AMANDA DANIELS

 (Print) DOGM Representative


 DOGM Representative's Signature - Date

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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:	COMPLETE
Inspection Date:	Thursday, March 24, 2016
Start Date/Time:	3/24/2016 10:00:00 AM
End Date/Time:	3/24/2016 11:30:00 AM
Last Inspection:	Wednesday, February 03, 2016

Inspector: Amanda Daniels

Weather: Clear, breezy, ~50F

InspectionID Report Number: 5472

Accepted by: JHELFRIC
3/31/2016

Representatives Present During the Inspection:	
OGM	Amanda Daniels
OGM	Cheryl Parker
OGM	Priscilla Burton

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:

An inspection was conducted on March 24, 2016, at the Horizon Mine. The site has been inactive since the mine shut down, and went through bankruptcy proceedings in late 2012 and 2013. Two notice of noncompliance (NOVs) were issued as a result of the inspection, citation # 21168 and 21170.

Inspector's Signature

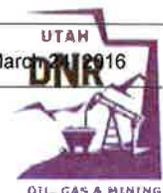
Amanda Daniels

Date

Thursday, March 24, 2016

Amanda Daniels,
Inspector ID Number: 67

Note: This inspection report was conducted on the basis of an affidavit submitted in 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 checked="" 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 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 type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

The are currently no pending amendments to the current MRP.

2. Signs and Markers

A sign is in place at the entrance to the facility along the county road. The sign contains the required company contact information, permit numbers, and MSHA ID numbers.

3. Topsoil

Topsoil piles were evaluated during the inspection. The topsoil stored in the undisturbed area located up canyon of the portals has a significant erosion rill running across the topsoil. This rill is allowing topsoil to erode off pile, resulting in a loss of soil for reclamation. This rill must be repaired, which may require the repair of erosion taking place above rill on the south facing slope of the canyon, and the cleaning of ditch DD-2, to prevent stormwater from causing additional topsoil erosion. See NOV #21168 and attached pictures.

4.a Hydrologic Balance: Diversions

Ditch DD-2 should be repaired to prevent stormwater from contributing to erosion on the topsoil pile located up canyon of the portals.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The sediment pond is still in a state of disrepair. There is no evidence of any recent repair work taking place to abate FTACO 12147. Water levels in the pond were low at the time of inspection, see attached pictures.

4.d Hydrologic Balance: Water Monitoring

4th quarter 2015 water monitoring data has been submitted to the Division as required. 1st quarter 2016 is due at the end of March.

4.e Hydrologic Balance: Effluent Limitations

The pond has not discharged over the last quarter. DMRs have been submitted through February 2016.

7. Coal Mine Waste, Refuse Piles, Impoundments

Excess coal waste is located in piles throughout the site. This has been sited numerous times in previous inspection reports, with the recommendation that it should be removed and disposed of in a permitted refuse pile. No work has taken place to remove this excess waste. This waste coal mine waste, mixed with old belt, wood, metal and concrete. (See attached pictures). NOV #21170 has been issued for failing to remove and dispose of this waste properly. Coal mine waste must be stored in a designed and approved refuse pile.

Permit Number: C0070020
Inspection Type: COMPLETE
Inspection Date: Thursday, March 24, 2016

18. Support Facilities, Utility Installations

Power poles are located on the permit area and disconnected when the substation was removed. Currently, an insulator has broken, and is dangling from the pole by a wire. For safety issues, this should be removed. See attached inspection pictures.

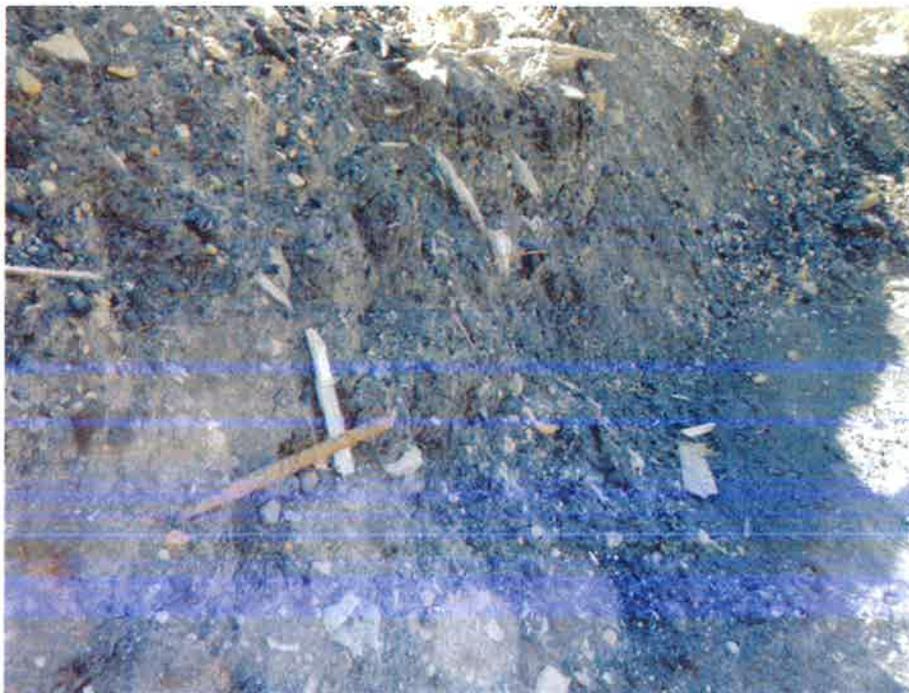
19. AVS Check

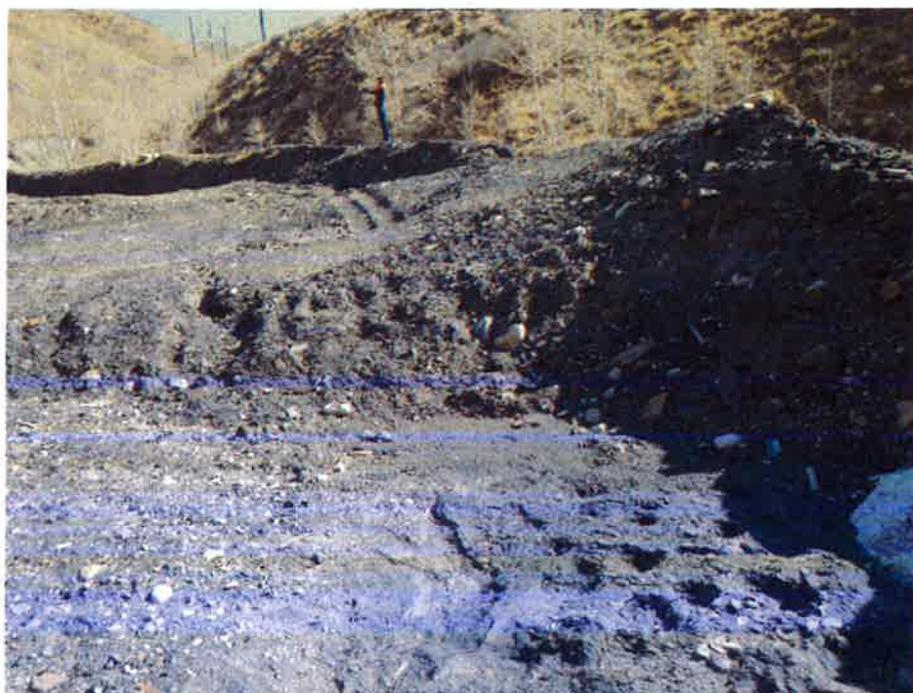
The mine currently has one outstanding failure to abate cessation order (FTACO), #12147, and one under review by the Division, FTACO #21155. 21155 cannot be terminated or vacated until a decision is made by the hearing officer. Abatement work has still not been completed on #12147.

21. Bonding and Insurance

Nothing has changed regarding bonding of the site since before the last permit midterm. The liability insurance policy is in place through 12/3/2016.







3/31/2016

