



Suzanne Steab <suzannesteab@utah.gov>

NOV 21187

Suzanne Steab <suzannesteab@utah.gov>

Tue, Oct 4, 2016 at 11:05 AM

To: Alex Walker <awalkerlaw@aol.com>

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

Alex,

Please see attached.

Thank you

—

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

2 attachments

 **10042016.5290.pdf**
190K

 **09292016.pdf**
2283K



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 #: 21187
Permit Number: C0070020
Date Issued: 10/04/2016

<input checked="" type="checkbox"/> NOTICE OF VIOLATION	<input type="checkbox"/> CESSATION ORDER (CO)	<input type="checkbox"/> FAILURE TO ABATE CO
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Permittee Name: HIDDEN SPLENDOR RESOURCES	Inspector Number and ID: 67 ADANIELS
Mine Name: HORIZON MINE	Date and Time of Inspection: 09/29/2016 9:30 am
Certified Return Receipt Number: 9590940212015246258859	Date and Time of Service: 10/04/2016

Nature of condition, practice, or violation:
 Failure to maintain diversions and sediment controls throughout the facility. The inlet to culvert DC-2 is completely blocked by sediment. Section of the undisturbed bypass culvert, UC-1 have blown out and caused erosion rills and undisturbed drainage to flow into the sediment pond. See inspection report 5648 for photographs and additional detail.

Provisions of Act, regulations, or permit violated:
 R645-301-752, R645-301-731.120 thru .122, 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
 Repair culvert UC-1 so that it functions as designed and approved in the MRP. Maintain the inlet of DC-2 so that it can transmit disturbed drainage as designed and approved in the MRP. Repairs and maintenance should be completed by October 19, 2016.

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 (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 to 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:	Thursday, September 29, 2016
Start Date/Time:	9/29/2016 9:30:00 AM
End Date/Time:	9/29/2016 10:30:00 AM
Last Inspection:	Wednesday, August 17, 2016

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

Inspector: Amanda Daniels

Weather: 55F, Overcast

InspectionID Report Number: 5648

Accepted by: DHADDOCK
9/30/2016

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:

The site showed evidence of a rain storm that occurred in the area around September 23rd, additional erosion was observed throughout the site. It appeared that the site would receive additional rainfall during the day of the inspection. See sections 4.a and 4.b regarding new sediment control issues. See Notice of Violation (NOV) citation #21187.

Inspector's Signature

Amanda Daniels

Date Thursday, September 29, 2016

Amanda Daniels,

Inspector ID Number: 67

Note: This inspection report does not constitute an offer of insurance or any other financial product. It is provided for informational purposes only. For more information, please contact the Division of Oil, Gas and Mining at (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov



Permit Number: C0070020
 Inspection Type: PARTIAL
 Inspection Date: Thursday, September 29, 2016

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 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 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 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 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 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 type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Topsoil

Topsoil is continuing to erode in each storage area. Substitute topsoil is eroding from its location on the slopes.

4.a Hydrologic Balance: Diversions

Disturbed culvert DC-2 was blocked at the inlet by sediment and debris. It appears that this culvert will not be able to function at all in this state.

The undisturbed drainage culvert buried in the embankment of the west side of the sediment pond has degraded to a point that the culvert has collapsed in sections.

This will lead to most of the undisturbed drainage flowing down gradient into the sediment pond. The sediment pond is not sized to be able to handle any undisturbed drainage even when it was maintained, and in the poor state it is in now, the added undisturbed drainage now reporting to the pond will cause the pond to discharge potentially untreated water off site. It is now imperative that the site be reclaimed to prevent pollution from discharging into Gordon Creek. See NOV citation #21187.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

See comments in section 4.a. The sediment pond is currently full of water and appears to have discharged during the storm event around September 23rd. The additional water now draining to the pond will cause the pond to discharge more frequently in the future.

4.d Hydrologic Balance: Water Monitoring

Water monitoring is not taking place.

4.e Hydrologic Balance: Effluent Limitations

In recent discussions with Mike Herkimer at the Utah Division of Water Quality, he has stated that the Permittee, Alex Walker, is no longer submitting Discharge Monitoring Reports to the state as required in the site's UPDES permit.

7. Coal Mine Waste, Refuse Piles, Impoundments

Coal mine waste piles continue to erode and fill the sediment pond.

9. Protection of Fish, Wildlife and Related Environmental Issues

Vegetation on the substitute topsoil slopes and on the substitute topsoil pad below the pond is largely comprised of Utah noxious weeds: black henbane (*Hyoscyamus niger*), houndstongue (*Cynoglossum officianale*), musk thistle (*Carduus nutans*), Canada thistle (*Cirsium arvense*), and goatsrue (*Galega officinalis*). Priscilla Burton spent 5 hours removing henbane seed stalks and rosettes from the site.

13. Revegetation

Priscilla Burton was on site to evaluate the presence of noxious weeds at the site. Hensbane has been found throughout the site.





10/4/2016







10/4/2016



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