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APPENDIX 1

U. S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
Mine-Site Evaluation Inspection Report

1. Permittee/Person: Hidden Valley Coal Co
2. Address: 1801 University Dr.
3. City: Phoenix
4. State: AZ
5. Zip Code: 85034-
6. Phone Number: 602-254-8465
7. Operator if Different than Permittee:
8. Mine Name: Hidden Valley
9. Permit Number: ACT 015 007
10. Type: a. Permit PP b. RA S
11. Inspection Date: 09-09-92 (MM-DD-YY)
12. Inspection Type: C
13. Joint Inspection: Y (Y/N)
14. Permit Status: A
15. Site Status: P1
16. Facility Type: B
17. OSM Office #: 020
18. RSI #: 0095
19. Land Code: S
20. M.S.H.A. ID #: 42-01407
21. State Code: 49
22. County Code: 015
23. AVS Permittee Entity ID Number: 124528

24. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere

A. Administrative
1. 1 Mining within Valid Permit
2. 1 Mining within Bonded Area
3. 1 Terms & Conditions of Permit
4. 1 Liability Insurance
5. 1 Ownership and Control
6. 1 Temporary Cessation

B. Hydrologic Balance
1. 1 Drainage Control
2. 3 Inspections & Certifications
3. 3 Siltation Structures
4. 1 Discharge Structures
5. 5 Diversions
6. 1 Effluent Limits
7. 3 Ground Water Monitoring
8. 1 Surface Water Monitoring
9. 3 Drainage -- Acid-Toxic Materials
10. 3 Impoundments
11. 5 Stream Buffer Zones

C. Topsoil & Subsoil
1. 1 Removal
2. 1 Substitute Materials
3. 1 Storage and Protection
4. 1 Redistribution

D. Backfilling & Grading
1. 1 Exposed Openings
2. 1 Contemporaneous Reclamation
3. 1 Approximate Original Contour
4. 1 Highwall Elimination
5. 1 Steep Slopes (includes downslope)
6. 1 Handling of Acid & Toxic Materials
7. 1 Stabilization (rills and gullies)

E. Excess Spoil Disposal
1. 3 Placement
2. 3 Drainage Control
3. 3 Surface Stabilization
4. 3 Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)
1. 3 Drainage Control
2. 3 Surface Stabilization
3. 3 Placement
4. 3 Inspections and Certifications
5. 3 Impounding Structures

G. Use Of Explosives
1. 3 Blaster Certification
2. 3 Distance Prohibitions
3. 3 Blast Survey/Schedule
4. 3 Warnings & Records
5. 3 Control of Adverse Effects

H. 1 Subsidence Control Plan

I. Roads
1. 1 Road Construction
2. 1 Certification
3. 1 Drainage
4. 2 Surfacing and Maintenance
5. 1 Reclamation

J. Signs & Markers
1. 1 Signs
2. 2 Markers

K. ___ Distance Prohibitions

L. Revegetation
1. 2 Vegetative Cover
2. 1 Timing

M. 1 Postmining Land Use

N. Other
1) ___
2) ___
3) ___

25. Inspection Frequency

a. Date of Last State Complete Inspection: 08-20-92

Frequency for previous 4 Calendar Qtrs.

b. Number of required complete inspections: 04 — Number of complete inspections conducted: 04

c. Number of required partial inspections: 08 — Number of partial inspections conducted: 07

26. Inspection Hours

a. Permit Review: 012.0
b. Inspection Time: 005.0
c. Travel Time: 014.0
d. Report Writing: 009.0

27. Bonded Acres

a. Total bonded: 00006.7
b. Phase I released: 00006.7
c. Phase II released: 00000.0
d. Phase III released: 00000.0

28. Acres

a. Permitted: 00950.0
b. Disturbed (Estimated): 00006.7

U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

Permit Number: ACT 015 007 — Inspection Date: 09-09-92

29. Identified Violation Data.

List (only once) all violations;

- where State enforcement was required and taken during the LSCI, even if violation was terminated during or before this inspection (does not include violations that have been vacated);
- recorded in the LSCI report but the State failed to take enforcement;
- observed during this inspection which clearly existed during the LSCI but the State failed to take enforcement; or;
- existing during this inspection which are not already listed under one of the categories above.

AND / OR

- List all Federal actions issued this inspection;
- List all Federal actions reviewed on this follow-up inspection.

	B Per. Std. Category	C Abated (Y/N)	D State Action	E Reason if Uncited	F Cause	G Seriousness PEO	H Seriousness Impact	I OSM Action	J OSM Action Number	K Optional
A. Specific State Law/Regulations Violated: R-614-301-742.312.1 Description: Fail to maintain diversions (Road ditches)										
1.	I4	N	3		4	1	1	1		
A. Specific State Law/Regulations Violated: R-614-301-521.251 Description: Inadequate perimeter markers										
2.	J2	N	3		4	1	1	1		
A. Specific State Law/Regulations Violated: R-614-301-354 Description: Fail to Revegetate										
3.	L2	N	3		4	3	1	1		
A. Specific State Law/Regulations Violated: Description:										
4.										
A. Specific State Law/Regulations Violated: Description:										
5.										
A. Specific State Law/Regulations Violated: Description:										
6.										
A. Specific State Law/Regulations Violated: Description:										
7.										

D. State Action
1) Existed on LSCI, Cited
2) Existed on LSCI, Not Cited
3) Cited Prior to LSCI, Abatement Pending
4) Occurred Since LSCI
5) NA Federal Program

E. State's Reason for not Citing Violation
1) Not a Violation
2) Precluded by State Policy
3) Not Included under State Program
4) Warning Given in Lieu of a Citation
5) Violation Not Recognized
6) Practice Allowed under Approved Permit
7) Too Minor to Cite
8) Working with Operator to Correct
9) Other

F. Cause
1) Permit Defect
2) Unusual Weather Conditions
3) Unofficial Waiver
4) Operator Negligence
5) Other

G. Probability of Event Occurrence
1) None or Unlikely
2) Likely
3) Occurred

H. Impact

Damage Remains Within the Permit Area
1) None or Minor
2) Moderate
3) Considerable

Damage Extends Beyond the Permit Area
4) None or Minor
5) Moderate
6) Considerable

Obstruction to Enforcement
7) None or Minor
8) Moderate
9) Considerable

I. OSM Action This Inspection
1) Deferred to State Action
2) TDN Issued
3) NOV Issued
4) FTA-CO Issued
5) IH-CO Issued (Imminent Environmental Harm)
6) ID-CO Issued (Imminent Danger to Public)
7) Previously Cited by RA, Abatement Pending
8) Abated during or before OSM Inspection
9) Follow-up of Federal Action

30. Signature Henry P. Austin

Inspector's Signature

HENRY P. AUSTIN

Inspector's Printed Name

31. OSM Inspector ID # 116

Dated: 09-17-92

Reviewing Official: [signature]

Review Date: 09-17-92

CODE SHEET for the Mine-Site Evaluation Inspection Report

Permit Type and RA — Item 10 a. Permit Type ..... IP = Interim Program, PP = Permanent Program, NP = No Permit
b. Regulatory Authority ... S = State Program, F = Federal Program

Inspection Type Codes — Item 12

C ..... Complete Random Sample
COI ..... Complete Other Inspection
FC ..... Federal Complete Inspection
FP ..... Federal Partial Inspection
FF ..... Federal NOV and/or CO Follow-up
CC ..... Citizen Complaint
CCF ..... Citizen Complaint Follow-up
DR ..... Document Review
RF ..... Reclamation Fees
SOx ..... Other
1 ..... Bond Release Review
2 ..... Bond Forfeiture Review
OFx ..... Other Follow-up
1 ..... State Enforcement Follow-up
2 ..... Ten-Day Notice Follow-up

Joint Inspection — Item 13 A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

Permit Status — Item 14

A Active: Coal mining and reclamation activities occurring or permitted but not disturbed.
IN Inactive (*Permanent Program Permit*): Phase II completed or state counterpart to 30 CFR 840.11(f). (*Interim Program Permit*): Coal mining completed and reclamation activities initiated.
NA Not Applicable: When site is unpermitted.
BR Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)
AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as stated in 30 CFR 840.11(f).
BF Bond Forfeiture: Permittee rights terminated, permit revoked, and/or bond funds collected.

Site Status Codes — Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP Active Coal Producing: Coal surface mining activities are occurring.
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.
MC Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area.
P3 Phase III Release: Reclamation completed and the RA has released all bond.
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR Forfeited and Reclaimed: Forfeiture reclamation completed.
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes — Item 16

A ..... Surface
B ..... Underground
C ..... Preparation Plant
D ..... Ancillary (Haulroad, Conveyor, and/or Rails)
E ..... Refuse and/or Impoundment
F ..... Loading Facility and/or Tipple
G ..... Stockpiles
H ..... Exploration Permits
I ..... Notice of Intent to Explore
J ..... Exempt 16 and 2/3
K ..... Government Financed Construction Exemption

Land Code — Item 19

S ..... State/Private Lands
F ..... Federal Lands
I ..... Indian Lands

Performance Standard Catagories — Item 24
30 CFR Counterpart

A. Administrative .....
1. Valid Permit 773.11
2. Mining within Bonded Area 773.11
3. Terms & Conditions of Permit 773.17
4. Liability Insurance 800.60
5. Ownership and Control 778.13
6. Temporary Cessation ..... 842.11(e) & 816/817.131

B. Hydrologic Balance ..... (816/817.41-57)
1. Drainage Control 45
2. Inspections & Certifications ..... 49(a)(10)
3. Siltation Structures 46
4. Discharge Structures 47
5. Diversions 43
6. Effluent Limits 42
7. Ground Water Monitoring ..... 41(c)
8. Surface Water Monitoring ..... 41(e)
9. Drainage--Acid - Toxic Materials ..... 41(f)
10. Impoundments 49
11. Stream Buffer Zones 57

C. Topsoil & Subsoil ..... (816/817.22)
1. Removal ..... 22(a)
2. Substitute Materials ..... 22(c)
3. Storage and Protection ..... 22(c)
4. Redistribution ..... 22(d)

D. Backfilling & Grading ..... (816/817.95-107)
1. Exposed Openings ..... 816/817.13, 14, 15, & 823.11 & 21
2. Contemporaneous Reclamation 100
3. Approximate Original Contour ..... 102(a)(1)
4. Highwall Elimination ..... 102(a)(2)
5. Steep Slopes(includes downslope) 107
6. Handling of Acid & Toxic Materials ..... 102(c)
7. Stabilization (rills and gullies) ..... 95(b)

E. Excess Spoil Disposal ..... (816/817.71-74)
1. Placement ..... 71(e)
2. Drainage Control ..... 71(f)
3. Surface Stabilization ..... 71(g)
4. Inspections & Certifications ..... 71(h)

F. Coal Mine Waste (Refuse Piles/Impoundments) ..... (816/817.81-84)
1. Drainage Control ..... 83(a)
2. Surface Stabilization ..... 83(b)
3. Placement ..... 83(c)
4. Inspections and Certifications ..... 83(d)
5. Impounding Structures 84

G. Use Of Explosives ..... (816/817.61-68)
1. Blaster Certification ..... 61(c)
2. Distance Prohibitions ..... 61(d)
3. Blast Survey/Schedule 62-64
4. Warnings & Records ..... 66 & 68
5. Control of Adverse Effects 67

H. Subsidence Control Plan ..... (817.121-122)

I. Roads ..... (816/817.150-151)
1. Road Construction. ..... 150(c)
2. Certification ..... 151(a)
3. Drainage ..... 150(b)-151(d)
4. Surfacing and Maintenance ..... 150(e)-151(d)
5. Reclamation ..... 150(f)

J. Signs & Markers ..... (816/817.11)
1. Signs ..... 11(a),(b),&(c)
2. Markers ..... 11(a),(b),(d),(e),&(f)

K. Distance Prohibitions ..... (761.11)

L. Revegetation ..... (816/817.111-116)
1. Vegetative Cover ..... 111 & 116
2. Timing 113

M. Postmining Land Use ..... (816/817.133)

npany HIDDEN VALLEY COAL CO.
1801 University Dr.
Phoenix, AZ 85034
spector HENRY AUSTIN
ers BILL MALENCIK; KARLA KNOOP, P.H.

Mine HIDDEN VALLEY COAL CO.
Permit # ACT 015 007
Date: 9-9-92 ; (pg. 1 of 3)
Inspection Type Complete Random sample inspection

Accompanied Bill Malencik (Utah Division of Oil Gas and Mining-DOGM) and Karla Knoop (JBR Consultants Group) on a complete Random sample inspection of the Hidden Valley Mine on 9-9-92. Weather conditions were sunny and warm and ground conditions were extremely dry.

I began the inspection with a records review in the DOGM Salt Lake City office on 9-8, partially accompanied on the review by Pamela Grubaugh-Littig, Permit Supervisor for this mine. The last Office of Surface Mining Reclamation and Enforcement (OSM) oversight inspection of this mine was conducted on 11-19-91 and Mr. Malencik was present for this inspection also, as was Mrs. Knoop. My records review focused on the site activities which have occurred since the 11-19-91 oversight inspection and included the following: 1-21-92 letter from DOGM to the permittee concluding that the "old Road" along Ivie Creek is a prelaw feature and does not need to be permitted; 2-4-92 letter from DOGM to OSM providing notice of 1-30-92 permit renewal at this mine; 6-30-92 Coal Bonds tracking sheet indicating a current bond amount of $68,606 on 6.7 acres with a Phase I Bond Release effective 7/17/88 (Original bond amount of $171,515); 8-26-92 internal DOGM Memorandums concerning Stream Buffer Zone Division Order and Vegetation establishment at the site, with 8/27 letters from DOGM to the permittee requesting Stream Buffer Zone information by 9/25/92; and recommending that the entire disturbed area be reseeded this fall due to unsuccessful establishment of perennial vegetation; 7-2-92 letter from CALMAL (Hidden Valley Coal Co. Parent Co.) to DOGM transmitting 5/12/92 Ivie Ck.

surface water sampling analysis; Liability insurance certificate is current from 7-1-92 thru 7-1-93; 6-30-92 BOARD OF OIL, GAS and MINING ORDER FINDING IN FAVOR OF DOGM FOR NOV 91-26-8-2 (ORDER dated 7/30/92); Complaint dated 8/27/92 filed by the permittee against DOGM in the Third Judicial District Court, SALT LAKE COUNTY, STATE OF UTAH, concerning the above NOV and Board Order; and Cessation Order No. 92-26-1-2 which was issued on 9/1/92 for failure to abate the above mentioned NOV, No. 91-26-8-2. Cessation Order issuance and the District Court filing was discussed with MRS. Citting. We also discussed the disposition of drill holes 1, 2, 3, 7 and 4 as identified on OSM oversight inspection dated 3/24/87 (conducted by Bill Malencik and myself). MRS. Citting was not immediately aware of the drill hole status, NOR were the inspection participants identified above. MR. Malencik researched the issue after the inspection, and we discussed it via telephone on 9/16/92. LEE EDMONSON of Hidden Valley Coal Co. will provide written documentation of drill hole status. A finding concerning the disposition of all drill holes/observation wells should be included by DOGM in the record for the PHASE I Bond Release. We concluded the records review by discussing the Cessation Order violations: ① Perimeter markers, ② Diversion erosion (reclaimed haulroad fill slope/outlets of water bars); and ③ Failure to seed and revegetate all disturbed areas.

Our field inspection of 9/9 was a routine walk through of the reclaimed disturbance areas including:

former haulroad, A & B Seam reclaimed back-up pad areas, former sed. pond location, stream buffer zone area, reconstructed drainage way / silt fencing dividing the reclaimed area, and haulroad inslopes / outslopes. Mr. Malencik and Mrs. Knoop highlighted the areas cited in the enforcement actions noted above and we discussed potential abatement(s) plans and made general observations / photographed areas of interest. Very little perennial vegetation stands capable of self regeneration and continued reestablishment were evident throughout the reclaimed areas, and some areas appear to be completely devoid of seeded species altogether. DOGM 8/27/92 letter to CALMAT Co. noted above recommends reseeding the entire area this fall and I certainly concurr given the fact the site was initially seeded in 1986, and subsequent reseeding efforts in problematic areas appear to have failed. Mrs. Knoop indicated JBR would be conducting statistically acceptable vegetation sampling this fall as required by permit. It is recommended DOGM accompany / participate in the sampling if scheduling / personnel allow.

Mrs. Knoop also indicated she would be conducting the fall / low water flow sampling of Ivie Ck. the wek of 9-14 thru 9-18.

We noted several areas of minor rilling / gullying throughout the areas which were discussed / with Mrs. Knoop as needing additional stabilization / erosion control practices, to prevent further, chronic erosional development. This concluded the inspection.

Performance standards indicated as not applicable do not exist on site, and those indicated as not in compliance are discussed above. Please contact Henry Austin at (505) 766-1986 with any questions concerning this report / inspection.

Henry P. Austin