



OGMCOAL DNR &lt;ogmcoal@utah.gov&gt;

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## 0250005 Coal Hollow Complete Insp Rpt # 4145

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**Priscilla Burton** <priscillaburton@utah.gov>

Thu, Apr 9, 2015 at 5:14 PM

To: Kirk Nichols <knicholes@altoncoal.com>

Cc: OGMCOAL DNR <ogmcoal@utah.gov>, Keenan Storrar <kstorrar@utah.gov>

Hello Kirk,

Attached is the inspection report for the complete inspection conducted on March 23 and 24, 2015. There is a lot of activity on the site and it is a long report. The report includes a mine progress map, seed invoices, hay phytosanitary certificate and photographs. As you know, NOV Citation #16150 was issued as a result of the conditions noted at UD-1 and DD-4. There were numerous other maintenance issues that require your immediate attention, or by April 24, as follows:

Repair the berm along the north side of the equipment repair yard. The berm must be compacted along its length.

Install excelsior logs in series in the undisturbed ditch that flows along the north side of the repair yard and empties into Robinson Creek.

Show the berm on both Dwg 5-3 and 5-3A.

Seed the inlet to C-11 which was disturbed by recent work on C-11.

Repair the gully on the S side of the excess spoil pile.

Stabilize the slope on the N side of the excess spoil pile.

Repair the leak in the overflow pipe of Pond #2.

Repair crushed C-6 culvert.

Grade the inlet at Pond #1.

Pick up trash on the surface facility yard western boundary and at the water's edge of ponds 1, 1B, 2 and 3.

Police the undisturbed area between Pond 1B and Pond 2 and the disturbed area east of pond 2 for trash.

Scrape the coal yard roadway to remove coal fines and treat the roadway with MgCl<sub>2</sub>.

Several other maintenance items are described in the report as well. Some require dry conditions for access.

Priscilla Burton, MS, CPSSc  
Environmental Scientist III  
[Utah Division of Oil, Gas & Mining](#)  
Price Field Office  
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# 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:	<b>C0250005</b>
Inspection Type:	COMPLETE
Inspection Date:	Monday, March 23, 2015
Start Date/Time:	3/23/2015 2:30:00 PM
End Date/Time:	3/24/2015 3:30:00 PM
Last Inspection:	Tuesday, February 10, 2015

Representatives Present During the Inspection:	
OGM	Priscilla Burton
Company	Kirk Nicholes
OGM	Cheryl Parker
OGM	Keenan Storrar
OGM	Daron Haddock

Inspector: Priscilla Burton,

Weather: sunny, light breeze, 35 F warming to 60 F

InspectionID Report Number: 4145

Accepted by: JHELFRIC

4/9/2015

Permittee: **ALTON COAL DEVELOPMENT LLC**  
 Operator: **ALTON COAL DEVELOPMENT LLC**  
 Site: **COAL HOLLOW**  
 Address: **463 North 100 West, Suite 1, CEDAR CITY UT 84720**  
 County: **KANE**  
 Permit Type: **PERMANENT COAL PROGRAM**  
 Permit Status: **ACTIVE**

#### Current Acreages

721.00	<b>Total Permitted</b>
342.00	<b>Total Disturbed</b>
	<b>Phase I</b>
	<b>Phase II</b>
	<b>Phase III</b>

#### 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:

Mining is completed in HWT 1, Panels 1, 2, and 3. Mining is occurring in HWT 2 where the auger is being set up for panel 2. Mining is also occurring in Pit 20, where a blast last week loosened the east half of Pit 20 overburden. Pit 21 is partially backfilled and the road into pit 20 comes from the south over that fill.

This inspection began on March 23 and continued on March 24, 2015, coincident with the bond release inspection (Bond Release Insp Rpt, 4121). Many maintenance items need attention now that the March snow has melted.

Inspector's Signature:

Priscilla Burton,  
Inspector ID Number: 37

Date Monday, March 30, 2015



**Note:** This inspection report does not constitute an affidavit of 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 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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**1. Permits, Change, Transfer, Renewal, Sale**

Division Order 15A bonding information was received on March 31, 2015 and April 6, 2015. Underground mining amendment task 4814 was conditionally approved on 3/30/2015. Bond Release application for 79 acres, task 4788 currently under review by the Division. Revision to Appendix 7-5 Spill Prevention Plan received 3/30/2015, Task 4861. Annual Report received 3/30/2015.

**3. Topsoil**

Dwg. 2-2 shows the locations of topsoil and subsoil stockpiles. Topsoil pile 4 remains adjacent to pit 10, partially used. Subsoil pile #2 currently contains 207,000 cu yds and has been in existence since 2012. Both topsoil pile #4 and subsoil pile #2 will be utilized by the end of April, according to Mr. Nicholes. The requirements for stabilizing stockpiles are written in Chapter 2 of the MRP. These stockpiles were originally short term, but are now considered long term and must be stabilized in accordance with Section 244.100 and 234.230, if not consumed by May 1, 2015.

#### **4.a Hydrologic Balance: Diversions**

Dwg. 5-3 and 5-3A show the locations of ditches, berms and culverts in the disturbed area. During the Feb 10, 2015 inspection, final grading of subsoil piles was not yet complete near Pond #4, but drainage in the vicinity of Pond 4 and Ditch 1 was noted as requiring maintenance. During this March 24, 2015 inspection, this same area was submerged under a foot or two of water (see photographs). It was apparent that overland flow from the graded, reclaimed southern pits 25 - 28 has ponded at the NE corner of pond #4. The current grade of Watershed 4 has established the inlet of Ditch 1 to be lower than the spillway of Sediment Pond 4. This allowed excess runoff from snow melt to backup and pond on the southeast corner of Watershed 4, before water could discharge through the spillway of Sediment Pond 4. The ponded backwater breached the berm of Ditch 1 separating undisturbed runoff to the east from disturbed runoff to the west. Ditch 1 then carried the disturbed area flow outside the permit area, without treatment. The untreated runoff covered the grassy sod that used to act as an alternate sediment control to treat undisturbed Ditch 1 drainage. The grassy area is now covered with sediment and can no longer adequately treat runoff from the undisturbed ditch prior to leaving the permit area. Additionally, the section of Ditch 1 requiring immediate maintenance has not been fixed since the February inspection. This issue is the subject of NOV Citation #16150.

Ditch 4 has eroded in three locations along its length above Robinson Creek reconstruction area. During the site inspection at Coal Hollow on February 10th, 2015 it was found, and the Permittee was notified, Ditch 4 was not built to the approved design in Drawing 5-34. The failure of Ditch 4 in mid-March carried suspended solids from Watershed 3 disturbed area (Drawing 5-26) into the reconstructed channel of Lower Robinson Creek. From here, the runoff and suspended sediments flowed offsite prior to being adequately treated. NOV #16150 has been issued for this non-compliance.

During the February 10th, 2015 inspection the Permittee was notified to fill the gaps in the straw bale check dam at the end of Lower Robinson Creek reconstruction in order for the structure to function properly. While the Permittee added a small straw bale on the end of the structure, the Permittee did not fill the gaps between abutting straw bales. The straw bale check dam does not currently function as an alternative sediment control feature because it allows flow to be piped between abutting straw bales. A properly functioning straw bale check dam should capture runoff and allow it to pond and settle out suspended solids prior to allowing runoff to flow offsite.

The channel bed of the reconstructed Lower Robinson Creek was drill seeded prior to the February 10th, 2015 inspection. However, surface runoff from snowmelt in the bottom of the reconstructed Robinson Creek has since eroded the seed in scour zones or buried the seed too deep in the lengths of channel bed that have aggraded. Thus, any form of vegetation growth in the channel bed of the reconstructed Lower Robinson Creek is considered very unlikely. This is consistent with the natural channel both above and below the reconstructed channel that does not have vegetation growing in the bed of the channel that conveys runoff.

Culverts in the Facilities area shown on Dwg 5-3A were functioning, except C6 which has been crushed and needs repair prior to the next inspection.

#### **4.b Hydrologic Balance: Sediment Ponds and Impoundments**

Pond #1 inlet requires maintenance where overland flow from the finished Coal Stockpile area, on the NE side enters. The clean water well valve had been left open and a continuous stream of water was entering pond #1 through culvert 6. The valve was closed during the inspection. Pond #1 was discharging during the inspection. Pond #1 is not sized for this inflow. A similar occurrence occurred in the spring of 2014 when the water storage tanks were continuously overflowing and water was continuously running overland, filling pond 1B. There can be no further leniency on this issue. The next occurrence of overflow from water tanks or clean water well will result in a violation of R645-301-731.120.

Pond #2 culvert overflow pipe was leaking at a joint in the pipe. The water level will be lowered and the leak will be fixed within 30 days or April 24.

Quarterly pond inspections were completed on February 10, 2015 at all ponds. Pond inspections were reviewed at the mine site and were also provided to the Division (Coal Hollow Incoming file 2102015.pdf). The 2/10/2015 certified reports state:  
Pond #1 contained 5 ft of water and sediment is 1 foot below clean out level.  
Pond #1B contained 6 ft of water and sediment is 6 feet below clean out level.  
Pond #2 contained 6.5 ft of water and sediment is 3.5 feet below clean out level.  
Pond #3 contained 7.5 ft of water and sediment is 7 feet below clean out level.  
Pond #4 contained 3.5 ft of water and sediment is 3.5 feet below clean out level.

In the Permittee's application 'Addition of Underground Mining', a decant pipe was designed and certified to be installed Sediment Pond 3. This decant pipe will allow the Permittee to bring the sediment pond into compliance between breaks in summer monsoon rain storms. Currently, when the pond is filled to spillway height capacity by a summer rain storm, there is no easy way to lower the water level in order for the pond to treat a 10yr/24hr event before the next runoff event. It was discussed during the March 24th, 2015 inspection that the Permittee will need to install this decant pipe before the summer monsoon season.

#### **4.c Hydrologic Balance: Other Sediment Control Measures**

This is the third consecutive inspection in which loose berm material was noted falling into an undisturbed diversion collection ditch on the north boundary of the repair yard. This berm needs the following maintenance: 1. The berm must be compacted along its length and 2. Excelsior logs must be installed in the ditch at the entrance to Lower Robinson Creek. 3. A berm at the edge of the mainenance yard must be shown on both Dwg 5-3 and Dwg 5-3A. These measures must be completed within 30 days or by April 24.

Catch basins at either side of the main entrance are presently holding water that is treated with straw bales. When the basins dry out, a third bale will be added to the south side and a second row and third bale will be added to the north side. The log will be removed from the north side.

An excelsior log will be added to slope above C-10 to prevent the existing rills from increasing in size.

The disturbed area around C-11 inlet will be seeded within 30 days or April 24.

A large gully has formed where the south-west corner of the refuse pile adjoins with the undisturbed local topography (Figure 26). This is likely due to discharge of sub-surface lateral flow at the refuse pile-natural topography junction.

Subsoil sloughed from slope on NE corner of refuse pile (Figure 27).

#### **4.d Hydrologic Balance: Water Monitoring**

The 4th quarter 2014 water monitoring results were uploaded to the database.

#### **4.e Hydrologic Balance: Effluent Limitations**

DMR sheets recorded no discharge from ponds between October 2014 and February 2015. In March 2015, Ponds 1B and 3 discharged during March 2014 and were sampled. DMR sheets were not available for March 2015. Pond #1 was discharging during the inspection and will be sampled. It was also discovered that Pond 2 is discharging through a leak in the overflow pipe. Pond 2 will be sampled once a week until the flow into Lower Robinson Creek ceases.

## **5. Explosives**

Orica Mountain West blasting records were reviewed.

Blast #40 occurred on December 8, 2014 in the tropic shale overburden of HWT 1, using 12,921 lbs explosives to loosen 17,280 BCY.

Blast #41 occurred on February 2, 2015 in the tropic shale overburden of HWT 1, using 43,453 lbs explosives to loosen 51,120 BCY.

Blast #42 occurred on February 9, 2015 in the tropic shale overburden of HWT 1, using 36,669 lbs explosives to loosen 44,000 BCY.

Blast #43 occurred on March 5, 2015 in the tropic shale overburden of HWT 2, using 32,038 lbs explosives to loosen 60,070 BCY.

Blast #44 occurred on March 30, 2015 in the tropic shale overburden of Pit 20, using 40,316 lbs explosives to loosen 74,667 BCY.

## **6. Disposal of Excess Spoil, Fills, Benches**

The quarterly excess spoil inspection was conducted on February 10, 2015 and certified by Dan Guy. The records of nuclear density compaction testing completed on the excess and temporary spoils pile were reviewed. Nuclear density testing of the excess and temporary spoils piles was conducted on the following dates: September 28, 2011, March 27, 2012, September 23, 2012, September 28, 2012, March 3, 2013. A retest was conducted on September 13, 2013 to confirm adequate compaction on one area of the excess spoils pile. A 3-D map showing the gps'd locations of the testing was also viewed.

## **8. Noncoal Waste**

There is trash at the water's edge of ponds 1, 1B, and 3, which needs to be picked up. Trash on the west permit boundary berm needs to be picked up. The undisturbed area between pond 1B and Pond 2, as well as the disturbed area around pond 2 should be policed for trash.

## **9. Protection of Fish, Wildlife and Related Environmental Issues**

Tamarisk at pond 1, 1B and 3 must be removed or treated with herbicide that is non-toxic to aquatic life. One sage grouse was flushed from the Subsoil #2 area; 3 sage grouse were seen south of the Excess Spoils Pile; and 4 grouse were seen at Pond #3 during the inspection.

## **10. Slides and Other Damage**

A large gully has formed on the south side of the Excess Spoils Pile. This gully will be repaired. The gully repair on the west side of the Excess Spoil pile remains stable after the snow melt.

## **11. Contemporaneous Reclamation**

A recent revision of Dwg 5-38 shows 66 acres were reclaimed in the last months of 2014 (and early 2015). (Dwg 5-38 was approved 3/30/15 with the UG mining application Task 4818.) Refer to Dwg 5-38 and Dwg 5-10 for the contemporaneous reclamation locations completed: the southeast of the excess spoil pile; west of the county road over former Pits 5 & 6, and the southern permit area above former pits 26 - 28.

The following issues remain in contemporaneous reclamation areas: UD-4 along Robinson Creek is not correctly cited and will be relocated. The former location of UD-4 and the area re-disturbed by the relocation of UD-4 will need to be reseeded. Although the final grade in the southern permit area is gently sloping to the east, rilling has occurred south of the Dames' access road and water has ponded in a low spot east of pit 26. The rills and the pond must be graded out such that water does not create erosion or saline soil conditions.

The north side of the excess spoil pile has been subsoiled, but not topsoiled. This area is scheduled for reclamation in 2015. The subsoil placed on the north slope is severely rilled by erosion. These rills must be graded out, and the slope stabilized (with mulch, seeding or pocking) so that no further subsoil is lost.

## **12. Backfilling And Grading**

The graded area on the NE corner of Pond #4 must be graded to create positive flow into pond 4 and away from Ditch 1. An additional ponded area was seen closer to the Dame's access road. A gully had washed away topsoil just south of the Dame's access road. This entire area must be graded to drain into Pond #4, without ponding. This work must commence within 30 days or by April 24. These problem areas are all located north of pond #4, and east of the coal mined surface, in the southern most permit area, as shown on the coal extraction overview Dwg 5-9.

A gully on the south side of the graded Excess Spoil pile has recently formed and must be repaired. Sloughing subsoil on the north side of the spoil pile must be replaced. This work must commence within 30 days or by April 24.

## **13. Revegetation**

Recently topsoiled areas in bond release locations BRP1-1 were seeded with the pinyon/juniper mix (tag attached). Recently topsoiled areas in BRP1-4 were seeded with the sagebrush/grass mix (tag attached). Recently topsoiled areas in BRP1-5 were seeded with the Pasture Mix (tag attached). A phytosanitary certificate is also attached. Dwg 3-7 illustrates the locations where each seed mix is specified.

**17. Other Transportation Facilities**

Coal fines on the soil and covering the vegetation is quite apparent on the undisturbed area along Robinson Creek within the permit area. These coal fines are deposited by wind currents and picked up by water and are being deposited in Robinson Creek within the permit area. During this inspection coal fines were noticed in the temporary diversion of Robinson Creek, still within the permit area. To ensure compliance with R645-301-742, the coal yard roadway requires scraping to collect coal fines and keep them from becoming air borne or water borne. The roadway needs a MgCl<sub>2</sub> treatment. The sludge cleaned out from sediment ponds in the facilities yard has now dried and must be removed and placed in a pit or on the excess spoil pile. This must be accomplished within 30 days or April 24.

**18. Support Facilities, Utility Installations**

Underground mining supplies are temporarily stockpiled in the area west of Pond #2. If this location is to become permanent, it should be indicated on the surface facilities map.

**19. AVS Check**

There has been no change to the MRP Ownership and Control information which was last updated May 2014.

**20. Air Quality Permit**

A revision to the existing Air Quality permit is out for public comment. The revision includes facilities and structures necessary for underground mining.

**21. Bonding and Insurance**

Bonding review Tasks 4788 and Task 4796 are under review. Liability insurance coverage through Cincinnati Insurance Company is current through December 10, 2015. the coverage includes blasting and the Division is named as a certificate holder.

**22. Other**

The abatement plans for Citation 16149 are due on April 11. Citation 16150 was written in connection with this inspection.



Mining Disturbance Map showing mine progress as described in this report’s summary.



Pond #1



Pond #1 oil skimmer outlet.



Flow into pond 1 from C6



Crushed C 6 inlet



Location of pond #1 inlet clean up.



Pond #1 discharge



Pond 1B



Erosion of undisturbed area due to pond discharges



Coal fines on undisturbed land at pond 1 outlet (above and below)



West side catch basin at facility entrance



North Side catch basin at entrance



Pond #2



Pond 3 and repaired gully



Leaking Pond 2 outlet



Pond 3 outlet is



Pond 2 outlet discharge point



Tamarisk at pond 3 and sloughing embankment



UD 4 maintenance required (above and below)



Flow control ditch along County road in Pit 6 location



Pit 10 highwall benches prepared for underground portal development. Cement poured for substation



Coal fines in Robinson Creek Temporary Diversion within the Permit Area.



Figure 1: February 10<sup>th</sup> inspection. Outlet of Ditch 1 that handles undisturbed runoff. The wood fence line on left and T-post fence line at top right defines permit boundary. Arrow indicates the direction runoff flows from the outlet of undisturbed Ditch 1.



Figure 2: March 24<sup>th</sup> inspection. Sediment plume at outlet of Ditch 1 showing offsite impact. Permit boundary is roughly defined by yellow line.



Figure 3: March 24<sup>th</sup> inspection. Sediment plume at outlet of Ditch 1 showing offsite impact. The undisturbed outlet of Ditch 1 is left of the photo. Flow is from left to right. Permit boundary is roughly defined by the yellow line.

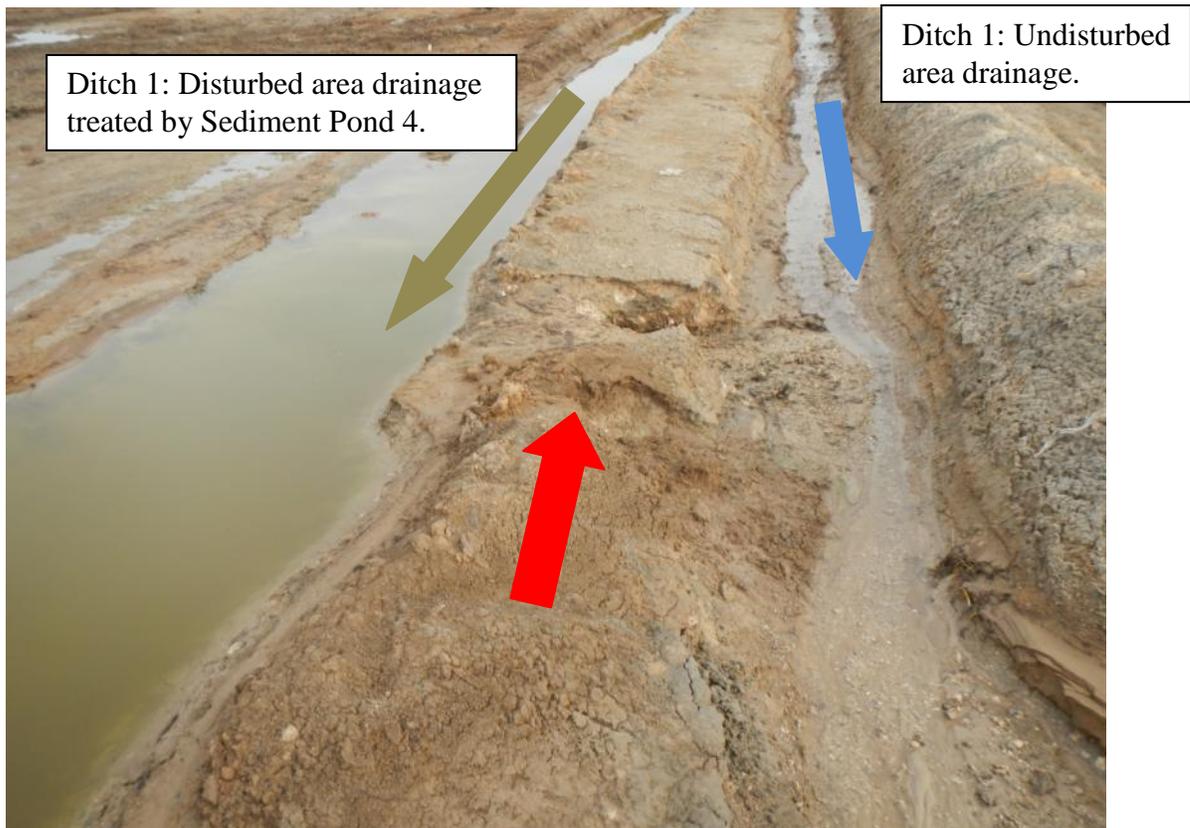


Figure 4: March 24<sup>th</sup> inspection. The red arrow points to the location where Ditch 1 failed allowing disturbed area runoff carry suspended sediment offsite untreated.



Figure 5. March 24<sup>th</sup>, 2015 inspection. ~300<sup>o</sup> panoramic photo of backwater pond outside of Sediment Pond 4. Red arrow points to failure point of Ditch 1 where disturbed area runoff exited the site via the undisturbed ditch.



Figure 6: March 24<sup>th</sup> inspection. Failure point of Ditch 1 berm. Backwater ponding of Sediment Pond 4 seen in background of photo.



Figure 7: February 10<sup>th</sup>, 2015 inspection. Head of Lower Robinson Creek channel reconstruction. Ditch 4 is on the far side of the channel in this photo. It is designed to route water drained from the disturbed area in the photo's background to Sediment Pond 3.



Figure 8: March 24<sup>th</sup>, inspection. Ditch 4 failure #1. Disturbed area runoff and suspended sediment carried into the reconstructed channel of Lower Robinson Creek.



Figure 10: March 24<sup>th</sup>, 2015 inspection. Ditch 4 failure #1. Disturbed area runoff and suspended sediment carried into the reconstructed channel of Lower Robinson Creek.



Figure 9: March 24<sup>th</sup>, inspection. Ditch 4 failure #1. Disturbed area runoff and suspended sediment carried into the reconstructed channel of Lower Robinson Creek.



Figure 10: March 24<sup>th</sup>, 2015 inspection. Ditch 4 failure #1. Yellow arrow points shows direction of design flow in Ditch 4. Red arrow shows failure #1 where Ditch 4 was overtopped by runoff from Watershed 3.



Figure 11: March 24<sup>th</sup> inspection. Ditch 4 failure #2. Yellow arrow shows design flow direction. Red arrow shows failure point and subsequent flow into the reconstructed Lower Robinson Creek channel.



Figure 12: March 24<sup>th</sup> inspection. Ditch 4 failure #2, looking up from bottom of Lower Robinson Creek reconstructed channel.



Figure 13: March 24<sup>th</sup> inspection. Ditch 4 failure #2. Photo taken from bottom of Lower Robinson Creek reconstructed channel. Alluvial fan deposited at base of gully shows a significant amount of sediment was suspended in the runoff.



Figure 14: March 24<sup>th</sup> inspection. Ditch 4 failure #3. Gully is seen running from Ditch 4 down into Lower Robinson reconstructed channel on photo right.



Figure 15: March 24<sup>th</sup> inspection. Ditch 4 failure #3. Gully is seen running from Ditch 4 down into Lower Robinson reconstructed channel. Photo taken from bottom of reconstructed channel.



Figure 16: March 24<sup>th</sup> inspection. Ditch 4 failure #3. Failure point where gully begins running from Ditch 4 down into Lower Robinson reconstructed channel.



Figure 17: March 24<sup>th</sup> inspection. Ditch 4 failure #3. Failure showing gully running from Ditch 4 down into Lower Robinson reconstructed channel. Photo taken from bottom of channel looking up towards Ditch 4.



Figure 18: February 10<sup>th</sup>, 2015 inspection. Straw bale check dam installed at outlet of reconstructed Lower Robinson Creek.



Figure 19: February 10<sup>th</sup>, 2015 inspection. Straw bale check dam installed at outlet of reconstructed Lower Robinson Creek.



Figure 20: March 24<sup>th</sup>, 2015 inspection. Excess runoff from failed Ditch 4 formed gully at outlet Lower Robinson Creek channel reconstruction.



Figure 21: March 24<sup>th</sup>, 2015 inspection. Excess runoff from failed Ditch 4 formed gully at outlet Lower Robinson Creek channel reconstruction.



Figure 22: March 24<sup>th</sup>, 2015 inspection. Straw bale check dam at end of Lower Robinson Creek reconstruction; disturbed area runoff flows from photo right to left across the structure.



Figure 23: March 24<sup>th</sup> inspection. The straw bale check dam did not properly treat disturbed area runoff. Instead of ponding runoff and allowing suspended sediment to settle out, the runoff piped under and between the two abutting straw bales. The red line indicates the height water pooled, before flowing under and through the joint.



Figure 24: March 24<sup>th</sup> inspection. The scoured gully shows runoff and sediment made it past the straw bale check dam and flowed offsite. The permit boundary is < 30ft to the left of the photo.



Figure 25: March 24<sup>th</sup> inspection. Unmaintained section of Ditch 1. This blockage will keep runoff from flowing to Sediment Pond 4.



Figure 26. March 24<sup>th</sup> inspection. Gully erosion on south side of refuse pile.





Figure 27. March 24<sup>th</sup> inspection. Subsoil sloughing from slope on NE corner of refuse pile.

2014302

# PHYTOSANITARY CERTIFICATE

## HAY OR STRAW INSPECTION

This is to certify that the hay or straw described below has been inspected according to appropriate procedures by a duly authorized inspector of the State of Utah and found to be:

FREE FROM:  NOXIOUS WEEDS  REGIONAL NOXIOUS WEEDS

The hay or straw described below does not meet noxious weed certification standards for Utah.  
See remarks.

DATE INSPECTED July 31, 2014 FIELD LOCATION Oasis and Deseret Utah

APPLICANT Harward Farms FIELD NAME pivot 1, pivot 1 & 2

ADDRESS 1988 W Center St. Springville, Utah 84663 PHONE NO. 801-489-9412

PRODUCT Wheat straw NUMBER OF BALES 2000

GROWN BY Roger Stansworth BALE TYPE \*3x4 bales

ADDRESS 3810 South 3000 West Delta, Utah 84624 COUNTY Millard

NAME AND ADDRESS OF CONSIGNEE \_\_\_\_\_

TRAILER OR TRUCK LICENSE NUMBER \_\_\_\_\_ STATE \_\_\_\_\_

CERTIFICATE IS VALID FOR 1 2 3 4 5 6 7 8 9 10 LOADS (Contract Loads only)

REMARKS OR ADDITIONAL DECLARATIONS These fields were also inspected for Bromus tectorum, (cheatgrass, June grass) and found to be free of this grass.

Tags \$ \_\_\_\_\_

From: 0 To: 0

Mileage \$ 10.00

Hay Tag Numbers

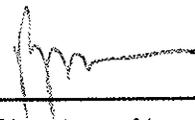
Fee \$ 30.00

Total \$ 40.00

September 10, 2014

Receipt \$ \_\_\_\_\_

Date Issued

  
Signature of Inspector

No liability shall attach to the Utah Department of Agriculture & Food or to any officer or representative of the Department with respect to this certificate.

\* Bale Type: SB Small Rectangular Bale  
LB Large Rectangular Bale  
LR Large Round Bales  
SR Small Round Bales

# UTAH SEED

Tremonton, UT  
435-854-3720

Name: Alton Coal Grass, Shrubs & Flowers Mix

Mix#: 2014.0517

Kind	Variety	Purity of Mix	Germ	Origin
Triticale	Quickgard	27.67%	90%	WA
Indian Ricegrass	VNS	12.66%	77%	WA
Western Wheatgrass	Recovery	10.95%	89%	ID
Slender Wheatgrass	Revenue	10.05%	97%	CN
Antelope Bitterbrush	VNS	8.21%	89%	ID
Blue Flax	Appar	5.60%	87%	ID
Utah Sweet Vetch	Timp	5.48%	89%	OR
Mountain Lupine	VNS	5.30%	92%	UT
Mountain Snowberry	VNS	3.69%	88%	UT
Palmer Penstemon	VNS	2.49%	98%	UT
Sandberg Bluegrass	VNS	2.00%	73%	CN
Showy Goldeneye	VNS	1.17%	98%	UT
Kentucky Bluegrass	Wildhorse	1.15%	85%	ID
White Western Yarrow	VNS	0.50%	90%	NZ

Other Crop:	0.09%	Noxious Weeds:	None
Inert Matter:	3.54%	Weed Seed:	0.05%
Net Weight:	41.3	Test Date:	12/13

From: Granite Seed - Lehi  
 1697 W 2100 N  
 Lehi, UT 84043

Mix Name: Pinyon Juniper Reveg  
 Mix # 142048

1-26714

Pinyon Juniper Reveg

% Pure	Common Name	Variety	G + D or H	Origin
25.60	TRITICALE	QuickGuard II	97 -TZ	WA
15.08	UTAH NORTHERN SWEET VETCH	Temp	83 -TZ	WY
8.07	UTAH SERVICEBERRY	VNC	62 -TZ	UT
7.90	WESTERN WHEATGRASS	Rosana	95 + 0 = 95	WA
7.90	SLENDER WHEATGRASS	Pryor	95 -TZ	CAN
6.76	BITTERBRUSH ANTELOPE	VNS	74 -TZ	OR
5.44	INDIAN RICEGRASS	Rimrock	92 -TZ	WA
5.27	LUPINE, MOUNTAIN	VNS	95 -TZ	UT
5.27	BLUEBUNCH, WHEATGRASS	Anatone	95 -TZ	WA
2.78	GLOBEMALLOW, SCARLET	VNS	90 -TZ	UT
2.78	BALSAMROOT, ARROWLEAF	VNS	90 -TZ	UT
2.61	MOUNTAIN SNOWBERRY	VNS	96 -TZ	UT
1.28	BLUEGRASS, SANDBERG	VNS	49 + 29 = 78	WA
1.09	SHOWY GOLDENEYE	VNS	92 -TZ	UT
0.57	BLUEGRASS, KENTUCKY	Ginger	88 + 0 = 88	WA

0.05 Other Crop      Date Tested      18-JUN-13  
 1.31 Inert Matter      % Hard Seed      0.00  
 0.03 Weed Seed      Noxious Weed      None

Net Weight    43.75      Lbs. PLS      49.94      Lbs Bulk

Coverage: 2.5 Acres

**NOTICE TO BUYER LIMITATIONS OF WARRANTIES AND REMEDIES**

Crop yield and quality are dependent upon many factors beyond the control of the labeled seller and NO WARRANTY is made for crop yield and quality. The labeled seller warrants that all seed sold has been labeled as required under applicable state and federal seed law and that the seed conforms to the label description, within recognized tolerances. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE LABEL.

No claim shall be asserted against the labeled seller unless Buyer reports to the labeled seller within a reasonable period after discovery (not to exceed thirty days), any condition that might lead to a complaint. BUYER'S EXCLUSIVE REMEDY FOR ANY CLAIM OR LOSS RESULTING FROM BREACH OF WARRANTY, BREACH OF CONTRACT OR NEGLIGENCE (INCLUDING BUT NOT LIMITED TO INCIDENTAL OR CONSEQUENTIAL DAMAGES) SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE.

By acceptance of the seed, Buyer agrees the terms and conditions stated above are a benefit to the bargain and constitute the entire agreement between Buyer and the labeled seller. Buyer shall return the original unopened seed package to the labeled seller within twenty days of receipt for a refund of the purchase price if applicable under these terms.

**NOTICE: REQUIRED ARBITRATION / CONCILIATION / MEDIATION**

The seed laws of several states including Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Minnesota, Mississippi, Montana, North Dakota, South Carolina (Section 46-21-260), South Dakota, Texas, and Washington require arbitration, conciliation or mediation of disputes involving alleged defective seed before certain legal actions may be maintained against a seller. North Carolina offers an alternative to court action that allows claims to be investigated and heard before the Special Seed Board. A complaint (sworn for AR, CO, FL, IL, IN, MN, MS, MT, NC, SC, TX, WA; signed only, CA, GA, ID, ND, SD) must be filed with the Department of Agriculture or Seed Commissioner (IN) or State Plant Board (AR) or Commissioner of Agriculture (NC) within such time to permit an inspection of seed, crops or plants (by an Arbitration Committee - AR, ID, MS, SC). In NC, failure to follow this procedure will limit the amount of damages recoverable. Certified copy of complaint must be sent by registered mail to the labeled seller as provided in individual state law. Information about these requirements may be obtained from the state Department of Agriculture.

Ship To  
 Kevin Heaton  
 30 South Main St  
 Panguitch UT 84759

From: Granite Seed - Lehi  
 1697 W 2100 N  
 Lehi, UT 84043

Mix Name: Coal Hollow Pasture Lands 1-26681

Mix # .141910 Coal Hollow Pasture Lands

% Pure	Common Name	Variety	G + D or H	Origin
23.18	TRITICALE	Quickguard II	97 -TZ	WA
22.71	SAINFOIN	Esu	95 + 4 = 99	MT
9.27	INTERMEDIATE WHEATGRASS	Oahe	97 -TZ	SD
7.90	MILKVETCH, CICER	Lutana	41 + 49 = 90	MT
7.10	WESTERN WHEATGRASS	Rosana	95 + 0 = 95	WA
7.03	THICKSPIKE WHEATGRASS	Schwendimar	96 -TZ	WA
4.84	BROMEGRASS, MEADOW	Lincoln	93 -Z	WA
4.78	BROMEGRASS, SMOOTH	Lincoln	94 + 0 = 94	KS
4.59	WILDMYE RUSSIAN	Bozdisky II	98 -TZ	MT
4.59	ALFALFA	Ladak	95 + 3 = 98	WA
0.93	TIMOTHY	Climax	97 + 0 = 97	CAN
0.92	ORCHARDGRASS	Palute	98 + 0 = 98	OR
0.73	BLUE FLAX, LEWIS	Appar	94 + 9 = 93	WA
0.51	BLUEGRASS, KENTUCKY	Ginger	88 + 0 = 88	WA
0.21	YARROW, WESTERN	Yahma	84 + 0 = 84	WA

0 01 Other Crop Date Tested 09-JAN-14  
 1 08 Inert Matter % Hard Seed 4.79  
 0 03 Weed Seed Noxious Weed None

Net Weight 52.98 Lbs PLS 55.59 Lbs Bulk

Coverage: 2.6 Acres

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