



# 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:	C0250005
Inspection Type:	COMPLETE
Inspection Date:	Tuesday, May 24, 2016
Start Date/Time:	5/24/2016 9:30:00 AM
End Date/Time:	5/25/2016 3:00:00 PM
Last Inspection:	Tuesday, May 17, 2016

Representatives Present During the Inspection:	
OGM	Priscilla Burton
Company	Riley Anderson
Company	Kirk Nicholes

Inspector: Priscilla Burton,

Weather: sun 60F

InspectionID Report Number: 5538

Accepted by: JHELFRIC

6/6/2016

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>
394.00	<b>Total Disturbed</b>
144.50	<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:

It was Natural Resource Day and the Coal Hollow Mine was visited by elementary schools in the tri-County area. After the fourteen buses of school kids left the site, we got down to business. We reviewed records and maps and inspected the North and South permit areas. The inspection took place over two days Tuesday, 5/24 and Wednesday, 5/25/2016.

Twenty-eight people are working at the mine, 11 of them underground. The underground mine is 1000 ft inby. During the inspection the underground mine was idle. The coal production from Area 1 North Lease was keeping up with the tandem trucks hauling out of the facilities yard..

In Area 1/North Lease, coal was being removed from the south end of Pit 2. Two dozers were pushing overbruden from the center of Pit 2 to the center of Pit 1. A Komatsu 490 was loading coal into dump trucks. Two dump trucks were hauling from Area 1 to the facilities yard. A contractor (Mel Clark) was hauling in road base to the County Road bypass. The contractor had a grader and compactor working on the bypass. Construction was temporarily stalled on the South Haul Road.

In the South leases, the PC 2000 track hoe was loading spoil. Three 150 Ton haul trucks were hauling spoil to the north and east edge of HWT 2. One loader was working the subsoil pile and one Cat 785 truck was hauling subsoil to the HWT 2 area.

Over-excavation of the excess spoil pile below AOC, along the south boundary resulted in NOV 21183 being issued after receipt of surveyed elevations.

Inspector's Signature: **Priscilla Burton**

Priscilla Burton,

Inspector ID Number: 37

Digitally signed by Priscilla Burton  
 DN: cn=Priscilla Burton, o, ou,  
 email=priscillaburton@utah.gov, c=US  
 Date: 2016.06.07 18:04:01 -06'00'

Date Thursday, May 26, 2016



**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 checked="" 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 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**

An electronic copy of the MRP was available at the mine site. But as discussed during a meeting on May 5, 2016, a paper copy should be available at the site so that the surface managers can become familiar with the plan and have a handy reference for maintenance and operations issues. At a minimum, Chapter 5 (engineering) & Chapter 7 (hydrology) narrative and plans should be kept at the mine site for reference by on-site managers.

USACE permit dated 12/18/2015 was issued for installation of C2 culvert near ASCA #1.

NOV 21161 was terminated February 1, 2016.

NOV 21162 was terminated March 3, 2016.

NOV 21163 was abated on May 27, 2016 with final approval of Task #5172. The termination notice will be sent by certified mail.

NOV 21164 abatement was received on May 23, 2016 and the abatement time was suspended during Division review. The Division's review was completed and the amendment was returned. The new abatement date is June 10, 2016 (Outgoing 06022016.pdf).

NOV 21165 abatement date was extended to June 3, 2016.

NOV 21166 was terminated March 9, 2016.

NOV 21167 abatement was received May 9, 2016 and is under review as Task #5180.

NOV 21174 was terminated April 19, 2016.

NOV XXXX is issued as a result of this inspection.

Task 5149, Annual report was received on March 31, 2016, under review.

Task 5171, Annual report/Dwg 5-38 and MRP revisions, returned 6/1/2016.

Task 5185, Appendix 3-8 Mitigation Plan, received 5/12/2016, under review.

Task 5055, Annual Sage Grouse Report, received 12/16/2016, review is concurrent with Task 5185 review.

### **3. Topsoil**

Topsoil on the west side of the excess spoil pile has been bermed. During berming, heavy equipment left ruts in the saturated topsoil/subsoil location. As discussed, this topsoil will be livehauled in the near future.

Topsoil slopes along the reconstructed Lower Robinson creek at the transition zone need to be seeded. Areas not topsoiled need to be topsoiled and seeded to prevent erosion of the subsoil.

The annual report provides volumes for topsoil stockpiles as of December 2015, as follows: Topsoil stockpile #1 = 25,289 CY; Topsoil Stockpile #2 = 137,021 CY; Topsoil Stockpile #4 = 33,070 CY; Subsoil stockpile #1 = 73,070 CY; Subsoil stockpile #2 174,675 CY. The report also states that 25,211 CY topsoil was livehauled and 53,260 CY of subsoil was livehauled in 2015.

It appears that one-half of subsoil #2 has been utilized. Volumes were requested for subsoil remaining in subsoil pile #2. We discussed that protection of the subsoil for the life of mine. i.e. The volume of subsoil remaining for Pit 10 will be shaped and seeded.

At Area 1, mining is progressing from both ends of Pit 2, making it difficult to determine whether subsoil has been recovered. We discussed the expected recovery depth of subsoil and topsoil versus the actual recovery depth. Mr. Anderson is setting aside subsoil from the mid-section of pit 2 for placement in the subsoil pile. Volumes recently stockpiled in subsoil and topsoil piles at Area 1 were requested. Topsoil salvage in Area 1 is completed and a survey of the topsoil pile was done.

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

The outlet of Lower Robinson Creek temporary diversion has blown out and needs to be repaired to design shown on Dwg 5-21 or reclaimed.

DD1 has low flow. Sediment controls are in place.

A long topsoil/subsoil pile(from the County Road bypass) is stockpiled along the length of DD9. The stockpile is must be removed so that DD9 can be cut in. DD11 needs to be cut in.

A field change to DD 5 was made for functional purposes. That change will be requested on the next Area 1 facilities map revision.

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

Sediment ponds were all well below discharge levels. Sediment markers were clearly marked. Sediment covers the rip rap installed at the Pit 10 pipe outlet in Pond 3. Pond 4 was being pumped and decanted to allow room for the 10 year storm while draining HWT 2. During the time of the inspection water was flowing into the pond from HWT 2 at about 6 gpm and water was flowing out of the pond at about 40 gpm in two pipes. (On the second day of the inspection, water was no longer decanting from Pond 4.) Water was also being removed from Sediment pond 4 for watering roadways. Ponds 6 & 5 in Area 1 were dry. A small amount of water was seeping into Pit 2 from the floor.

Sediment removal from the DD4 inlet to pond 3 is planned in the near future.

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

Excelsior logs along the reclaimed pit 3/Lower Robinson Creek temporary diversion boundary need maintenance.

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

The water monitoring database has analysis from the 4th quarter of 2015. First and second quarter 2016 water monitoring was conducted but is not yet available in the database. The C3 group of wells east of HWT 2 was monitored in May 2016 and a graph of the water level was viewed which shows gradual recharge.

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

There was no discharge from any pond in February or April. The DMR sheets were reviewed for discharge from ponds 1 and 2 in March. Pond 1 discharge: pH = 8.4, TSS = 5 mg/L, Fe = 0.13 mg/L, TDS = 716 mg/L. Pond 2 discharge pH = 8.4, TSS = 0, Fe = 0.05 mg/L, TDS = 984. There was no discharge in March from Ponds 1B, 3 and 4.

For the last week, HWT 2 mine water has been used to irrigate the adjacent Dame fields within the Dame's lease surface area and has also been pumped to pond 4 where it was being decanted out of the pond. Decanting of mine water discharge is approved in the UPDES permit. In accordance with the UPDES permit, Mr. Nicholes has twice sampled the discharge. Mr. Nicholes sampled the irrigation water and knows the pH to be 8.3 with a TDS of 835 mg/L and an SAR of 3. Multiplying the TDS in mg/L by 2.72 provides a quick estimate of the lbs/acre/foot. In this instance,  $835 \times 2.72 = 3,997$  lbs/ac/foot. (\*Guy Fipps. 2003. Irrigation Water Quality Standards and Salinity Management Strategies. Texas A & M Agrilife Extension Bulletin 1667.) To determine the number of acre feet applied, we need the total volume of water applied and the total area irrigated.

The irrigation line (water cannon) puts out 100 gpm or 144,000 gpd. At the time of the inspection, the irrigation line was thought to have operated continuously, putting out 576,000 gallons. The number of acres irrigated was not immediately known, but was requested. The location of the water cannon has been moved daily.

To confirm irrigation water quality, both Mr. Nicholes and I took a sample of the irrigation water. At the time of sampling, the water cannon was not oscillating and it was creating a large puddle. Mr. Nicholes agreed to fix the line so that it would oscillate.

The sample bottles were taken to the Utah Public Health Laboratory on May 31, 2016 for analysis of pH, EC, TDS and cations and anions of interest.

#### **5. Explosives**

Blast #49 took place on May 17, 2015 at the north end of Pit 2 in the coal. 4,580 lbs of explosives were used. A Division representative (Amanda Daniels) was present to take seismograph readings. Blast #50 took place on Monday May 23 in the South end of Pit 2 in a one acre area of coal. The record of that blast was not available at the mine site. Mr. Nicholes stated that the AO allows 36 blasts on a rolling 12 month calendar.

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

Excess spoil has been removed from almost the entire excess spoil pile. The spoil was over-excavated along the south and west boundary. The slope along the south side was steep (estimated at 1.5h:1v). The pre-existing topography is shown on Dwg 5-1. Pre-existing slopes were about 10% (10h:1v). The last certified inspection of the excess spoil pile is dated 3/15/2016. In March, the working surface was at 6,918 ft. On Dwg 5-1, the location of the pre-mining surface in the working area was about 6830 ft. My gps unit showed the existing elevation of the working area to be 6805 feet. The boundaries of overburden removal as shown on Dwg 5-15 were discussed. The failure to follow the plan for removing spoil down to AOC was discussed. The potential for an NOV was discussed. However, accurate elevations were needed. Therefore, I asked for surveyed elevations of the working area of the excess spoil pile and for the contours of the cut face. Those elevations were provided the next day. Drew Christensen presented the survey information to Division staff on May 31, 2016 in a meeting at the Salt Lake office. The working surface elevation is 6,838 ft.. Along the south disturbed area boundary, an area of 5 acres was over-excavated 28 feet below the pre-mining surface. 72,000 CY of overburden was removed from this area and used as backfill in HWT 2. This cut is in the location of the proposed borrow for Pit 10 reclamation. However, disturbance of the borrow area had not been approved and was not anticipated until final reclamation. The MRP states in Sections 528.310, Section 542.100 and Section 553 that "Any shortage of material for final backfill of the Highwall Trench will be made up by rehandle of spoil from the long term excess spoil pile...to bring both the spoil pile structure and the highwall trench areas to AOC." Therefore, NOV 21183 was issued for failure to follow the approved plan, R645-300-142.

Mr. Christensen stated that 417,000 CY of spoil remains for the remainder of HWT 2 and for future reclamation Pit 9C, Lower Robinson Creek and Pit 10. Some of this spoil will be required for interim reclamation of the over-excavated knoll proposed as borrow area.

## **8. Noncoal Waste**

Fuel was contained.

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

It is a good time for weed control. Bull thistle rosettes noted on reclaimed area above Pits 3 & 5 (Lower Robinson Creek). Cheat grass is in seed on reclaimed areas.

Sprinkler irrigation on adjacent Dame property needs adjustment to allow rotation of sprinkler.

A bluebird pair and an eagle were seen at Area 1. Killdeer were at pond 3 and 4. Five deer were at the topsoil/subsoil storage location.

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

## **11. Contemporaneous Reclamation**

## **12. Backfilling And Grading**

Backfilling of HWT 2 was ongoing during the inspection. (Mr. Anderson and Mr. Nicholes agree that HWT 2 will be completely backfilled by next week.) The PC 2000 track hoe was loading spoil. Three 150 Ton (CAT 785) haul trucks were hauling spoil to the north and east edge of HWT 2. A loader was loading subsoil from subsoil pile #2. One 150 Ton truck was hauling subsoil to the HWT 2 area.

## **13. Revegetation**

Growth of vegetation above the south pits looks vigorous.

## **16.a Roads: Construction, Maintenance, Surfacing**

Sediment control is required now in the vicinity of ASCA #1 during construction of the South Haul Road.

## **16.b Roads: Drainage Controls**

Culverts along both sides of the primary road into Pit 10 required maintenance. That maintenance was completed before the end of the inspection.

## **17. Other Transportation Facilities**

At the south end of the permit boundary, the county road has been damaged by the water truck. During the inspection, the position of the water truck filling station was changed to avoid further damage. That damage will be repaired.

The Area 1 county road bypass is almost completed. Access to the bypass road across DD 9 in Area 1 needs to be closed.

## **18. Support Facilities, Utility Installations**

The water line from the water tanks over the slope to the UG mine is disconnected from the underground valve box. Subsurface drainage was noted emanating from the bathhouse pad. The drainage reports to the sump.

## **19. AVS Check**

Suzanne Steab conducted an AVS check on June 2, 2016. No issues were reported.

## **20. Air Quality Permit**

Air Quality Approval order DAQE AN140470004-15 was modified April 21, 2015 to include two generators and a stacker belt for the underground mine.

**21. Bonding and Insurance**

Liability insurance is current through December 10, 2016. The General Liability Policy (including blasting coverage) is held through Berkley National Insurance Co.

A reclamation surety bond was issued by Ironshore Indemnity Inc. in 2013 and increased in December 2014 to the current \$12.75 M.

**22. Other**

Drill cuttings need to be removed replaced in the exploration hole just north of Area 1.



Pit 2 mined at North and South ends. Excavator loads coal from South end of Pit 2 while dozers push spoil from East to West across Pit 2 to Pit



Looking West across HWT 2. Two pipes on South end are decanting water to pond 4 and to Dame's field. Trucks are filling HWT from North and East sides. One load of coal on west side is visible in this photo.



Cut slope of the excess spoil pile is along the disturbed area boundary. The highest point along the SW disturbed area boundary is at an elevation of 6,875. The excavator is working at an elevation of 6,838 ft. which is approximately 28 ft below AOC at this location. Available excess spoil and subsoil are on the right.



**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 #:** 21183  
**Permit Number:** C0250005  
**Date Issued:** 06/03/2016

**NOTICE OF VIOLATION**       **CESSATION ORDER (CO)**       **FAILURE TO ABATE CO**

<b>Permittee Name:</b> ALTON COAL DEVELOPMENT LLC	<b>Inspector Number and ID:</b> 37 PBURTON
<b>Mine Name:</b> COAL HOLLOW	<b>Date and Time of Inspection:</b> 05/25/2016 4:00 pm
<b>Certified Return Receipt Number:</b> 7008 0150 0002 0896 5465	<b>Date and Time of Service:</b> 06/03/2016 5:00 pm

**Nature of condition, practice, or violation:**  
 The excess spoil pile was over-excavated below the premining surface at the south disturbed area boundary of the excess spoil pile. The pre-mining surface grade was 10% (10h:1v). Surveyed elevations presented on May 31 confirmed that five acres of the land was cut 28 feet below premining topography, removing 72,000 CY of overburden and leaving a steep cut face (1.5h:1v).

**Provisions of Act, regulations, or permit violated:**  
 R645-300-141 and R645-300-142. *The following statement is repeated numerous times in the MRP: "Any shortage of material for final back fill of the Highwall Trench will be made up by re-handle of spoil from the long term excess spoil pile." to bring both the spoil pile structure and the highwall trench areas to AOC.* (MRP Sec. 528.310, sec 542.100, sec 553)

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

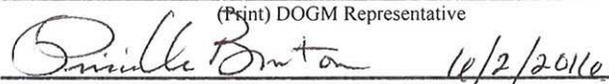
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably 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.**

<b>Mining activities to be ceased immediately:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Abatement Times (if applicable).</b>
No further excavation below pre-mining topography may take place.	

**Action(s) required:**  Yes  No  
 Update the MRP narrative with plans for interim reclamation and stabilization of the cut slope affected. State the size of the area affected. Include volumes of spoil to be placed as fill. Describe plans to place fill in a controlled manner, blend contours, provide compaction, control drainage and erosion and to establish vegetation. Plans will be designed and certified by a P.E. Provide a timeline for the interim work. Provide existing and proposed interim reclamation contours on a map, with a commitment to provide an as-built survey of the reclamation construction. State in the MRP the volume of excess spoil remaining for other reclamation uses. Adjust the bond line items for all work accordingly. Provide these complete and adequate plans by August 2, 2016.

**KIRK NICHOLES**  
 (Print) Permittee Representative  
 \_\_\_\_\_  
 Permittee Representative's Signature - Date

**PRISCILLA BURTON**  
 (Print) DOGM Representative  
  
 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 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.