Emery Industrial Resources

Cherry Hill Park Mine
M/049/021

Permit Chronology
(Updated January 2003)

July 8, 1992	DOGM received Small Mining Operations Notice for Cherry Hill Project from operator.
July 20, 1992	Division accepted SMO for Cherry Hill Project – no variances.
July 22, 1993	Site inspected, area estimated to be just less than 5 acres.
July 7, 1994	Letter from Division to Dan Powell – asked about status of LMO application for this project – Questioned his intention of plans to go to a large mining operation.
July 27, 1994	Site inspection found disturbed area greater than 5 acres. Operator had estimated 7 acres, and has posted a reclamation surety with Utah County for 9 acres of disturbance.
July 27, 1994	Site disturbance map received by the Division from operator.
August 24, 1994	Letter to operator requiring submittal of LMO within 45 days.
October 7, 1994	Operator provided copy of bonding documents to DOGM that have been filed with Utah County (9 acres bonded at $1,600 per acre, total bond is $14,400.00 – LOC made out to Utah Co. Board of Commissioners). Operator also requested an additional 30 days to submit LMO.
October 14, 1994	Division granted 30-day extension.
November 14, 1994	Division received original LMO from the operator.
January 31, 1995	Annual report submitted – identified approximately 8 acres of disturbance.
June 2, 1995	Division sends deficiency review comments of LMO to Emery Industrial.
February 23, 1996	Annual report submitted – identified approximately 12 acres of disturbance.
October 27, 1997	Letter sent to Emery Industrial requested operator to respond within 45 days of the June 2, 1995 review, which is now over two years old.
December 4, 1997	Operator requested an additional 90 days to complete response to the Division's deficiency review, stating that he would need outside help to complete land surveys, soil surveys, etc.
January 12, 1998	Operator's request for an additional 90 days is denied, operator given until February 27, 1998 to submit formal response to the Division's review. A timetable was to be submitted which outlined when information that was not available would be submitted.

February 5, 1998	Annual report submitted – approximately 13 acres disturbed.
February 27, 1998	Received fax from operator (re: response for completion of permitting), which stated that he would reclaim a portion of the site, and a certified copy and an updated map would follow.
December 9, 1998	Division sent letter to Emery Industrial requesting a formal submission of all permitting materials collected to date. The Division never received the certified copy or map. Letter stated that if sufficient acreage had not been reclaimed to reduce the disturbed area to less than five acres, then a complete LMO must be filed with the Division by January 31, 1999.
January 29, 1999	Annual report submitted – approximately 5 acres reclaimed (this would leave 8 acres based on 1998 annual report).
March 3, 1999	Operator submits revised LMO.
September 22, 1999	Site inspected – GPS survey of the disturbed area shows 20.6 acres disturbed (19.7 acres which will require reclamation, and 0.9 acres that will remain unreclaimed). The 5 acres reported as being reclaimed was 4.3 acres (as determined with the GPS) and reclamation had not been completed (topsoil had not been replaced and no evidence that the area had been seeded).
September 30, 1999	Division completes second deficiency review of LMO (3/3/99 submittal).
February 22, 2000	Annual report submitted – identified only 8 acres of disturbance plus 5 acres that had been reclaimed.
January 23, 2001	Sent CRR letter stating we have not received a response to our 9/30/99 review comments to date. Another copy of comments sent w/letter. Please respond w/in 30 days from receipt of this letter. Operator received letter on January 29, 2001.
January 29, 2001	Annual report submitted – identified 8 acres of disturbance.
May 7, 2001	Operator came into office, claimed letter DOGM sent 1/23/2001 was sent to the wrong address (went to Stephen Powell instead of Dan Powell). Hand delivered a copy of the letter to Dan Powell today and gave him until the end of June, 2001 to respond.
June 29, 2001	Letter received from the operator requesting a meeting to discuss the review and a timeframe to make a submission.
July 9, 2001	Letter to operator establish July 30, 2001 date for meeting at the Division.
July 30, 2001	Meeting held at Division to discuss DOGM 9/30/99 review letter. Operator granted another 45 days to submit information @9/14/2001.
August 16, 2001	Sent letter documenting meeting held on 7/30/2001 and commitments made by operator. Operator agreed to have response to DOGM w/in 45 days from meeting

	date, or by 9/17/2001. At the meeting it was discussed that it is likely that the operation will be transferred to Utah Rock, Inc. once the permit is finalized.
September 6, 2001	Site inspection performed, noted Musk Thistle weed problem
September13, 2001	Sent letter stating site inspected 9/6/2001 showed signs of Musk Thistle infestation. Requested operator control this noxious weed now, which will make revegetation easier upon final reclamation. DOGM rules do not require this, but the Utah Noxious Weed Act does.
September 17, 2001	Phone call requesting another two week extension to respond. Granted to 10/1/2001.
January 22, 2002	Sent CRR Division Directive. It has been over 100 days since Division extended date to 10/1/2001 to submit response to 9/30/99 review. Must contact Associate Director w/in 10 days to schedule a meeting to discuss options to remedy situation.
January 31, 2002	Phone call to Dan Powell regarding 1/22/2002 CRR letter. He only occasionally gets to Price to pick up mail (he lives in Utah County). The letter was faxed to him today; therefore, operator received DOGM 1/22/02 CRR letter today! Response due by 2/11/02.
February 11,2002	Phone call from operator - wants meeting scheduled for 2/25/02.
February 19, 2002	Phone call from operator - requested meeting to be rescheduled for early March. Operator and Division agree on March 12, 2002.
February 27, 2002	Received 2001 annual report. States no activity since 1998. Current plans call for possible mining during spring/summer with follow up reclamation as needed.
March 12, 2002	Meeting with Mr. Powell, Associate Director and minerals staff at DOGM. Went over operator's proposed responses to outstanding technical deficiencies. Mr. Powell agrees to provide formal response to DOGM no later than March 22, 2002.
March 19, 2002	Letter sent to operator outlining agreements reached during March 12th meeting.
April 3, 2002	Phone call to Dan Powell requesting status of technical response. Mr. Powell states difficult time acquiring all requested information. Taxes due, needs couple more weeks to provide the formal submittal.
May 14, 2002	Notice of Non-compliance and Division Directive faxed and certified mail to operator ordering suspension of operations, posting of reclamation bond and submittal of remaining permit deficiencies. 30-day deadline established from receipt of letter to post surety.
June 11, 2002	DOGM received response to our 9-30-1999 technical review letter.
June 26, 2002	Site inspected, site inactive at time of inspection. Operator failed to show up for scheduled inspection to discuss topsoiling concerns and reclamation performed.

July – Dec. 2002	Several phone calls and personal contacts with the operator to discuss where the reclamation surety was. Operator would state that he is working on it and should have it to us within the next week to ten days; or some calls stated it would be delivered within the week. Each contact was not officially documented.
January 9, 2003	Sent proposed Agency Action letter to be delivered by Utah County Sheriff's Office, for unfulfilled mitigation requirements pertaining to DOGM's Notice of Noncompliance – Required $43,500 surety to be posted by June 28, 2002. The proposed agency action is to deny approval of the LMO Notice of Intent, withdraw acceptance of SMO submitted 7/8/1992 and seek an Order from the Board requiring operator to commence reclamation of existing mining related disturbances on a schedule to be determined by DOGM. If operator wishes to appeal this action formally before the Board, or informally with the Division's Director, he must notify the Division within 10 days. Failure to file such a request may preclude operator from further participation, appeals or judicial reviews. If this is not appealed, the proposed Agency Action will become final and the Division will seek an Order from the Board as described above.
January 14, 2003	Utah County Sheriff served operator with the 1-9-2003 letter. DOGM received notification from the sheriff on 1-17-2003.
January 16, 2003	Operator called the Division to set up an informal conference before the Division Director – conference scheduled for January 28, 2003 at 10:00 a.m.

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