



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

August 31, 2018

Kirt Tatton, General Manager  
Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, Utah 84542

Subject: Five-Year Permit Renewal, Canyon Fuel Company, LLC, Banning Loadout, C/007/0034, Task #5687

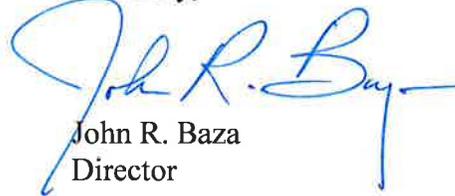
Dear Mr. Tatton:

Enclosed are two original renewed permanent program mining permits for the Banning Loadout with the State's Decision Document. The Banning Loadout permit is renewed. Please read the permit to be sure you understand the requirements of the permit and conditions.

Please have both copies signed by the company official with signatory authority and return one copy to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325.

Sincerely,



John R. Baza  
Director

JRB/DRH/ss  
Enclosures  
O:\007034.BAN\PERMIT\2018\Coverletter.doc



**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT  
For  
PERMIT RENEWAL**

**Canyon Fuel Company, LLC  
Banning Loadout  
C/007/0034  
Carbon County, Utah**

August 29, 2018

**CONTENTS**

- \* Administrative Overview
- \* Permitting Chronology
- \* Findings
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- \* Affidavit of Publication
- \* AVS Recommendation

## **ADMINISTRATIVE OVERVIEW**

Canyon Fuel Company, LLC  
Banning Loadout  
C/007/0034  
Carbon County, Utah

August 29, 2018

### **BACKGROUND**

The Banning Loadout is a coal loading facility located approximately eight miles east of Wellington, Utah on or along the Union Pacific Company right of way. This rail loadout is permitted by Canyon Fuel Company, LLC (a Delaware limited liability company (“CFC”)). Pursuant to a Unit Purchase Agreement dated June 27, 2013, by and between Arch Coal, Inc., and Bowie Resources, LLC a Delaware limited liability company (Bowie”), as assigned by Bowie to Bowie Resource Holdings, LLC, (“BRH”). BRH purchased 100% of the equity interests of CFC from Arch on August 16, 2013. Canyon Fuel Company, LLC notified the Division on March 7, 2000 that the loadout was in temporary cessation and it continues to be in temporary cessation as of this renewal.

### **PROPOSED ACTION**

Canyon Fuel Company, LLC made application to the Division of Oil, Gas and Mining for a five year permit renewal for the Banning Loadout on May 30, 2018. This renewal encompasses the same permit area and disturbance as currently approved in the permit.

The Mining and Reclamation Plan (MRP) and Permit for the Banning Loadout was originally approved on October 24, 1988 and renewed subsequently on October 24, 1993, October 24, 1998, October 24, 2003, October 24, 2008 and again on October 24, 2013.

The application for renewal was determined to be administratively complete on June 1, 2018 and the public notice for the renewal was printed in the Sun Advocate newspaper on May 29, June, 5, June 12, and June 19, 2018.

### **ANALYSIS**

The permit renewal application was received at least 120 days prior to permit renewal. All notices were published as required. No comments were received. The Permittee has provided evidence of a liability insurance policy and a performance bond in the required amount. A check of the Applicant Violator System (AVS) indicates that there are no outstanding violations or permit blocks associated with this permit or permittee. While the site has been primarily inactive, the terms of the existing permit are being satisfactorily met and operations are in compliance with the environmental protection standards of the State program.

**RECOMMENDATION**

Approval for this permit renewal is recommended with one condition concerning the electronic submittal of water quality data.

## PERMITTING CHRONOLOGY

Canyon Fuel Company, LLC  
Banning Loadout  
C/007/0034  
Carbon County, Utah

August 29, 2018

May 30, 2018	Canyon Fuel Company, LLC submitted the permit renewal application.
June 1, 2018	Permit renewal application determined administratively complete.
June 5, 2018	Letter from Division to federal, state and local agencies to notify them about the permit renewal for the Banning Loadout.
May 29, and June 5, 12, and 19, 2018	Publication notice for permit renewal for the Banning Loadout published in the <u>Sun Advocate</u> .
August 29, 2018	No comments received.
August 29, 2018	AVS Check
August 29, 2018	Approval of Permit renewed effective October 24, 2018.

## PERMIT RENEWAL FINDINGS

Canyon Fuel Company, LLC  
Banning Loadout  
C/007/0034  
Carbon County, Utah

August 29, 2018

1. The permit renewal term will not exceed the original permit term of five years. (R645-303-324).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program. (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State. (R645-303-233.130).
5. The permittee has provided evidence of maintaining liability insurance (Great Midwest Insurance Co. #GL00169760) (R645-303-233.140).
6. The permittee has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the permit period. (Lexon Insurance Co. #1093361 in the amount of \$350,000, Ironshore Indemnity Inc. provided rider as full guarantee for obligations undertaken by Lexon Insurance Co.). (R645-303-233.150).

  
Permit Supervisor

  
Associate Director of Mining

  
Director

FEDERAL

PERMIT  
C/007/0034

October 24, 2018

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801  
(801) 538-5340

This permit, C/007/0034, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGGM) to:

Canyon Fuel Company, LLC  
225 North 5<sup>th</sup> Street, Suite 900  
Grand Junction, CO 81501  
(970)263-5130

for the Banning Loadout. A performance bond is filed with the DOGM in the amount of \$350,000, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

**Sec. 1: STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2: PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on following described lands within the permit area at the Banning Loadout situated in the State of Utah, Carbon County, and located:

**Township 15 South, Range 12, East, SLB&M**

Section 15: Portions of W1/2

Section 16: Portions of E1/2SE1/4

Section 22: Portions of W1/2NW1/4NW1/4

This legal description is for the permit area of the Banning Loadout. The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to all applicable conditions, laws and regulations.

**Sec. 3: COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

**Sec. 4: PERMIT TERM** - This permit expires on October 24, 2023.

**Sec. 5: ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.

**Sec. 6: RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

- A. Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
- B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

**Sec. 7: SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

**Sec. 8: ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. Any accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. Immediate implementation of measures necessary to comply; and
- C. Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

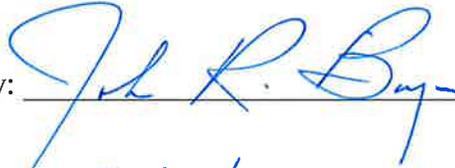
**Sec. 9: DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

- Sec.10: CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec.11: EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec.12: RECLAMATION PAYMENT** – The permittee shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec.14: COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec.15: PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec.16: CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec.17: APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec.18: SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease.

The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

**THE STATE OF UTAH**

By:   
Date: 9/5/18

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
Authorized Representative of the Permittee

Date: \_\_\_\_\_

**ATTACHMENT A**  
**SPECIAL CONDITIONS**

- 1) Canyon Fuel Company, LLC must submit water quality data for the Banning Loadout in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

County of Carbon,)

I, Matt Ward, on oath, say that I am the Publisher of the Carbon County Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website; the first publication was on the 29th day of May, 2018, and that the last publication of such notice was in the issue of such newspaper dated the 19th day of June, 2018.

Matt Ward – Publisher



Subscribed and sworn to before me this 19th day of June 2018.



Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 436.80



**LEGAL NOTICE**

Canyon Fuel Company, LLC of Grand Junction, Colorado, hereby announces its intent to renew its permit for the operation of the Banning Loadout under the laws of the State of Utah and the U.S. Office of Surface Mining. The currently approved permit number is C/007/034.

Canyon Fuel Company, LLC, operates the Banning Loadout a coal loading facility which is located eight (8) miles east of Wellington, Utah, on or along a Union Pacific Company right-of-way. Located in portions of Section 15, 16 and 22, Township 15 South, Range 12 East, Salt Lake Base Meridian.

A legal description of the permit boundary includes:

**Township 15 S., Range 12 E., Salt Lake Base and Meridian**

Section 15: Portions of W1/2

Section 16: Portions of E1/2SE1/4

Section 22: Portions of W1/2NW1/4NW1/4

A copy of the permit renewal application will be available for inspection at the following locations: Utah Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114 and Carbon County Courthouse, 120 East Main Street, Price, Utah 84501.

The address of the applicant is: Canyon Fuel Company, LLC, 225 North 5th Street, Suite 900, Grand Junction, Colorado 81501.

Written comments or request for a hearing regarding this application must be submitted within 30 days of the last publication date of this notice, to the Utah Division of Oil, Gas and Mining, Attention Coal Regulatory Program, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801.

Published in the Sun Advocate May 29, June 5, 12 and 19, 2018.



GARY R. HERBERT  
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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

August 29, 2018

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of Canyon Fuel Company, LLC. Canyon Fuel Company, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

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## Application Evaluation

**There were no violations retrieved by the system**

Application Number: C0070034 SEQ:6  
Applicant Name: 142816 Canyon Fuel Company LLC  
Date of Request: 8/29/2018 8:38:58 PM  
Requestor: suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

Violation Type	Violation Number	Violation Entities	Permit Number	Permitted State	Violation Status	Violation Date
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### Evaluation OFT

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Entities: 71

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249039 Halas Energy LLC - ()  
---101448 John Joseph Siegel Jr - (Manager)  
---101448 John Joseph Siegel Jr - (Member)  
---249034 Cedars Energy LLC - (Subsidiary Company)  
-----101448 John Joseph Siegel Jr - (Manager)  
-----260539 Bowie Holdings LLC - (Subsidiary Company)  
-----128807 James J Wolff - (Chief Financial Officer)  
-----129465 Eugene E Diclaudio - (Chief Executive Officer)  
-----129465 Eugene E Diclaudio - (Chief Operations Officer)  
-----254567 Bowie Resource Partners, LLC - (Subsidiary Company)  
-----101448 John Joseph Siegel Jr - (Director)  
-----128807 James J Wolff - (Chief Financial Officer)  
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260858 Trafigura Beheer B. V. - ()  
---254577 Jeremy Charles Weir - (Chief Executive Officer)  
---254577 Jeremy Charles Weir - (Director)  
---260859 Michael Stuart Wainwright - (Chief Operations Officer)  
---260859 Michael Stuart Wainwright - (Director)  
---260860 Mark Joseph Irwin - (Director)  
---260861 Jose Maria Larocca - (Director)  
---260862 Sipko Nanne Schat - (Director)  
---260863 Andrew Vickerman - (Director)  
---260864 Mariano Marcondes Ferraz - (Director)  
---260865 Trafigura Group PTE. LTD. - (Subsidiary Company)  
-----254577 Jeremy Charles Weir - (Director)  
-----260859 Michael Stuart Wainwright - (Director)  
-----260860 Mark Joseph Irwin - (Director)  
-----260861 Jose Maria Larocca - (Director)  
-----260862 Sipko Nanne Schat - (Director)  
-----260863 Andrew Vickerman - (Director)  
-----260866 Shu Shyan Seet - (Secretary)  
-----260870 Pierre Andre Jacques Lorinet - (Director)  
-----260871 Trafigura Holdings PTE. LTD - (Subsidiary Company)  
-----260866 Shu Shyan Seet - (Secretary)  
-----260870 Pierre Andre Jacques Lorinet - (Director)  
-----260872 Matthus Pieter Spaans - (Director)  
-----260873 Chin Hwee Tan - (Director)  
-----260874 Martin Urdapilleta - (Director)  
-----260875 Antonio Gerald Vieira Araujo - (Director)  
-----260876 Trafigura Holdings Limited - (Subsidiary Company)  
-----260860 Mark Joseph Irwin - (Director)  
-----260877 Walter Cutajar - (Director)  
-----260877 Walter Cutajar - (Secretary)  
-----260878 Maryanne Inguanez - (Director)  
-----260879 Robbert Alexander Maas - (Director)  
-----260880 Galena Private Equity Investment LLC - (Subsidiary Company)  
-----254576 Jesus Fernandez Lopez - (Director)  
-----254577 Jeremy Charles Weir - (Director)  
-----260859 Michael Stuart Wainwright - (Director)  
-----260881 Gerard Sean Lynch - (Secretary)  
-----260882 Galena Private Equity Resources Fund LP - (Subsidiary Company)  
-----260900 Galena Private Equity Resources Investment LP - (Subsidiary Company)

-----260901 Galena Investments Limited - (Subsidiary Company)  
-----254568 Galena US Holdings, Inc. - (Subsidiary Company)  
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-----260879 Robbert Alexander Maas - (Director)  
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-----260879 Robbert Alexander Maas - (Director)  
---260912 Christophe Salmon - (Chief Financial Officer)  
---260913 Christopher Cox - (Director)  
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-----254620 Jesus Fernandez - (Director)  
-----259469 Carlos Pons - (Chief Executive Officer)  
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-----260572 Corey Prologo - (Director)  
-----260572 Corey Prologo - (President)  
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-----260860 Mark Joseph Irwin - (Director)  
-----260877 Walter Cutajar - (Director)  
-----260877 Walter Cutajar - (Secretary)  
-----260878 Maryanne Inguanez - (Director)  
-----260879 Robbert Alexander Maas - (Director)  
---260884 Tzolo Iotov Voutov - (Director)  
---260899 Galena Private Equity Resources Co-Investment LP - (Subsidiary Company)  
-----260900 Galena Private Equity Resources Investment LP - (Subsidiary Company)  
-----260901 Galena Investments Limited - (Subsidiary Company)  
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-----260878 Maryanne Inguanez - (Director)  
-----260879 Robbert Alexander Maas - (Director)  
260885 Lion River I N V - ()  
--260882 Galena Private Equity Resources Fund LP - (Subsidiary Company)  
-----260900 Galena Private Equity Resources Investment LP - (Subsidiary Company)  
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-----260879 Robbert Alexander Maas - (Director)  
---260886 Ileana Bolcato - (Director)  
---260887 Fabrizio Riccardi - (Director)  
---260888 Andrea Bonomi - (Director)  
---260889 Francesco Cignolo - (Director)  
---260890 Marius Van Heesch - (Director)  
260891 University Of Texas System (UTIMCO) (Fund) - ()  
---260882 Galena Private Equity Resources Fund LP - (Subsidiary Company)  
-----260900 Galena Private Equity Resources Investment LP - (Subsidiary Company)  
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-----260878 Maryanne Inguanez - (Director)  
-----260879 Robbert Alexander Maas - (Director)  
---260892 T Britton Harris IV - (Chief Executive Officer)  
---260892 T Britton Harris IV - (Corporate Officer)  
---260892 T Britton Harris IV - (President)  
---260893 Jeffery D Hildebrand - (Chairman of the Board)  
---260894 Ray Rothrock - (Chairman of the Board)  
---260895 Robert Gauntt - (Director)  
---260896 Janet Handley - (Director)  
---260897 Ray Nixon - (Director)  
---260898 James C Weaver - (Director)  
---260899 Galena Private Equity Resources Co-Investment LP - (Subsidiary Company)  
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-----260879 Robbert Alexander Maas - (Director)

---260908 J Kyle Bass - (Director)  
---260909 Phil Adams - (Director)  
---260910 Robert Steven Hicks - (Director)  
260904 Galena Private Equity Resources Limited - ()  
---260881 Gerard Sean Lynch - (Director)  
---260882 Galena Private Equity Resources Fund LP - (Subsidiary Company)  
-----260900 Galena Private Equity Resources Investment LP - (Subsidiary Company)  
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-----260879 Robbert Alexander Maas - (Director)  
---260905 Martin Byrne - (Director)  
---260906 Sarah Ann Kelly - (Director)  
---260907 Duncan Neil Letchford - (Director)  
260916 Mousse Partners LTD - ()  
---260911 Mousserena LP (Fund) - (Subsidiary Company)  
-----260882 Galena Private Equity Resources Fund LP - (Subsidiary Company)  
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-----260878 Maryanne Inguanez - (Director)  
-----260879 Robbert Alexander Maas - (Director)  
---260917 Charles Heilbronn - (Director)  
---260917 Charles Heilbronn - (President)  
---260917 Charles Heilbronn - (Shareholder)  
---260918 Ed Zysik - (Vice President)

## **Narrative**