C/007/045 Incoming
Original to Fireproof
#4586

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

RECEIVED
JUL 11 2014
DIV. OF OIL, GAS & MINING

July 1, 2014

Kyle Edwards, Resident Agent
BRC Wellington, LLC
P.O. Box 401
Wellington, Utah 84542

Subject: Five Year Permit Renewal, Wellington Dry-Coal Cleaning Facility, BRC Wellington, LLC, C/007/0045, Task ID #4586

Dear Mr. Edwards:

The permit renewal for the Wellington Dry-Coal Cleaning Facility is approved effective August 31, 2014. Enclosed are two (2) copies of the renewed permanent program permit. Please note the special condition attached.

Please have both permits signed by the designated signatory authority and return one signed copy to the Division.

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

Sincerely,

John R. Baza
Director

JRB/DRH/sqs
Enclosures
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NON-FEDERAL **PERMIT** **August 31, 2014**
C/007/0045

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340

RECEIVED
JUL 11 2014
DIV. OF OIL, GAS & MINING

This permit, C/007/0045, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

BRC Wellington, LLC
6100 Dutchmans Lane, Suite 900
Louisville, Kentucky 40205
(502) 584-6022

for the Wellington Dry-Coal Cleaning Facility. BRC Wellington, LLC is the owner of the entire surface parcel included within the permit area. A performance bond is filed with the DOGM in the amount of $206,000.00, payable to the state of Utah, Division of Oil, Gas and 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 the following described lands within the permit area at the Wellington Dry-Coal Cleaning Facility situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 10, East, SLBM

Section 14: Portion of the NE 1/4

More accurately described as:

Beginning at the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 15 South, Range 10 East, of the SLB&M; and running thence South 00 deg. 26' 51" East 469.62 feet along the Quarter section Line; thence North 89 deg. 30' 07" East 1020.02 feet; thence North 00 deg. 26' 51" West 397.84 feet to the Southerly Right of Way Line of an existing county Road known as Ridge Road; thence along said line the following two (2) calls, South 89 deg. 23' 40" West 293.93 feet; thence 464.66 feet along the arc of a

1456.39 foot radius curve to the right and concave to the South, (chord bears North 81 deg. 30' 15" West 462.69 feet) to a point on the 40 acre line; thence along said line South 89 deg. 30' 07" West 269.03 feet to the point of beginning. Said parcel contains 10.0 acres.

Beginning at a point which lies South 00 deg. 26' 51" East along the Quarter Section Line 469.62 feet from the Northwest Corner of the Southwest Quarter of the Northeast Quarter of section 14, Township 15 South, Range 10 East, of the SLB&M; and running thence South 00 deg. 26' 51" East 852.51 feet to the North Line of the Southeast Quarter of Section 14; thence along said Line North 89 deg. 40'58" East 1020.02 feet; thence North 00 deg. 26' 51" West 855.73 feet; thence South 89 deg. 30' 07" West 1020.02 feet to the point of beginning. Said parcel contains 20.0 acres.

This legal description is for the permit area (30 acres) of the Wellington Dry-Coal Cleaning Facility and included in the operation and reclamation plan on file at the Division. The permittee is authorized to conduct coal mining and reclamation operations connected with a preparation plant on the foregoing described property subject to the Conditional Use Permit issued by Wellington City, including all conditions and all other 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 August 31, 2019 (5 year term).

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 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. 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 R645-3023 for compliance, modification, or abandonment of existing structures.

Sec. 12 **RECLAMATION FEE PAYMENT** - The operator 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.

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: John R. Baza

Date: 7/1/14

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: 7-9-14

ATTACHMENT A
SPECIAL CONDITION

1. BRC Wellington, LLC will submit water quality data for the Wellington Dry-coal Cleaning Facility in an electronic format through the Electronic Data Input web site, http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi.