**STATE OF UTAH**
**DIVISION OF OIL, GAS AND MINING**

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| Bowie Refined Coal Wellington, LLC<br><br>Steve Rickmeier, Managing Member<br>BRC Wellington, LLC<br>851 Gloucester Crossing<br>Lake Forest, IL 60065<br><br>C0070045 | DIVISION ORDER & FINDINGS<br>OF<br>PERMIT DEFICIENCY |

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Bowie Refined Coal Wellington, LLC (BRC), to make the requisite changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

## FINDINGS OF PERMIT DEFICIENCY

Upon review of the current Mining and Reclamation Plan (MRP), field investigations, and upon BRC's ongoing failures to communicate, the Division of Oil, Gas and Mining (the Division) has determined that BRC must abate previous violations and demonstrate its ability to resume mining activities in order to come into compliance with the State of Utah R645 Coal Mining Regulations.

Bowie Refined Coal, LLC (BRC) failed to abate Cessation Order No. 21201 (CO) issued on February 1, 2018 for failure to keep "coal processing waste" as defined by R645-100-200 within a Division permitted area. BRC appealed the CO and the Division held an informal hearing on March 6, 2018 to review the fact of the violation. The Hearing Officer upheld the violation via Order on April 2, 2018. Because the Division had difficulty serving the order to the appropriate address, on May 10, 2018, BRC asked Director John Baza to grant BRC an extension of 90 days to abate the CO. BRC had until close of business on July 30, 2018 to abate the CO, which BRC failed to do. The Division then issued a Failure to Abate CO (FTACO) with a $22,500 fine for CO No. 21201 on August 1, 2018.

After inspection of a portion of the site, the Division issued two additional FTACOs for Cessation Order No. 21207 and 21208 under R645-400-314 on September 4, 2018. CO No. 21207 was issued on August 2, 2018 because BRC failed to provide a name and contact information with whom the Division needed to review paperwork. CO No. 21208 was also issued on August 2, 2018 because BRC failed to clean out particular diversions and culverts within their permit area.

In addition to BRC's failure to abate COs, the Division has had no contact with BRC since they requested an extension of time to abate on May 10, 2018. All mail sent to the Utah and Kentucky addresses on file have been returned as undeliverable. Furthermore, there is no

presence on site and no one to allow the Division through the gates to inspect the site. According to Division research, BRC is no longer properly registered to do business in the State of Utah and had their business license expire in 2016.

The Division is concerned that BRC is unable to continue to comply with the requirements of the Utah program. Therefore, the Division requires BRC to abate all violations and demonstrate its ability to resume mining activities.

## ORDER

Bowie Refined Coal Wellington, LLC is hereby ordered to (1) pay the FTACO fine, abate all violations, renew its Utah business license, and provide an escort to inspect the mine within 30 days of the date of receipt of this order or (2) reclaim the Wellington Dry-Coal Cleaning Facility.

Ordered this 21st day of September 2018, by the Division of Oil, Gas and Mining.

Dana Dean, Associate Director
Division of Oil, Gas and Mining

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1. Article Addressed to:

Steve Rickmeier
BRC Wellington LLC
851 Gloucester Crossing
Lake Forest, IL 60065

9590 9402 1618 6053 1298 33

2. Article Number *(Transfer from service label)*

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X Steve Rickmeier

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☑ Addressee

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| | Order Mailed 9/25/18 | Status |
|---|---|---|
| BRC Wellington, LLC<br>P.O. Box 401<br>Wellington, UT 84542 | 9590940216186053129802 | Returned Unable to Forward<br>Received 10/9/18 |
| BRC Wellington, LLC<br>6100 Dutchmans Lane<br>Suite 900<br>Louisville, KY 40205 | 9590940216186053129772 | Returned Unclaimed<br>Received 10/31/18 |
| BRC Wellington, LLC<br>6100 Dutchmans Lane<br>Suite 1100<br>Louisville, KY 40205 | 9590940216186031297 89 | Returned Unclaimed<br>11/13/2018 |
| Ironshore Indemnity Inc.<br>P.O. Box 3407<br>New York, NY 10008 | 9590940216186053129796 | Received by Email Notification |
| Corporation Services Co.<br>421 West Main Street<br>Frankfurt, KY 40601 | 9590940216186053129819 | CRR Received 10/4/18 |
| Steve Rickmeier, Managing Member<br>BRC Wellington, LLC<br>851 Gloucester Crossing<br>Lake Forest, IL 60065 | 9590940216186053129833 | CRR Received in Division 12/20/18 |