



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

December 8, 2016

Dan Baker, President  
Bronco Utah Operations, LLC  
P.O. Box 527  
Emery, Utah 84522

Subject: Approval of Permit Renewal, Hidden Valley Mine, Bronco Utah Operations, LLC,  
C/015/0007, Task ID #5280

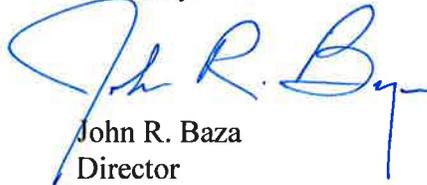
Dear Mr. Baker:

The permit renewal for the Hidden Valley Mine is approved effective January 29, 2017. Enclosed are two (2) copies of the renewed permanent program permit for the Hidden Valley Mine.

Please read the permit to be sure you understand the requirements, then have both permits signed by the designated authority and return one signed copy to the Division.

If you have any questions, please call Daron Haddock at (801) 538-5325 or myself at (801) 538-5334.

Sincerely,



John R. Baza  
Director

JRB/DRH/sqs  
Enclosures  
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**UTAH DIVISION OF OIL, GAS AND MINING  
DECISION DOCUMENT**

Consolidation Coal Company  
Permit Renewal  
Hidden Valley Mine  
C/015/0007  
Emery County, Utah

December 8, 2016

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- \* Permitting Chronology
- \* Findings
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## **ADMINISTRATIVE OVERVIEW**

Consolidation Coal Company  
Permit Renewal  
Hidden Valley Mine  
C/015/0007  
Emery County, Utah

December 8, 2016

### **PROPOSAL**

Consolidation Coal Company proposes to renew the reclamation permit for the Hidden Valley Mine.

### **BACKGROUND**

The Hidden Valley Mine is located in Emery County about three miles east of Highway 10 in Township 23 South, Range 6 East, SLBM, Sections 17 and 18. This coal mine never operated as a commercial venture. The original reclamation permit was issued January 29, 1987. Reclamation was performed during that year. Phase I bond release was determined effective on June 17, 1988. The current bond liability at the Hidden Valley Mine is \$112,000.

A revised postmining landuse was approved April 27, 1991. The first permit renewal was approved on January 30, 1992. The reclamation permit was transferred from Hidden Valley Coal Company to Consolidation Coal Company on November 2, 1995. The permit was successively renewed on January 29, 1997, January 29, 2002, January 29, 2007, and January 29, 2012.

A transfer application that will assign the permit to Bronco Utah Operations, LLC was received on December 18, 2015 and approved April 6, 2016.

### **RECOMMENDATION**

The application for permit renewal has met the Division requirements for approval. The permit renewal was advertised in the Emery County Progress on October 11, 18, 25 and November 1, 2016. No comments were received. The reclamation permit should be renewed.

## PERMITTING CHRONOLOGY

Consolidation Coal Company  
Permit Renewal  
Hidden Valley Mine  
C/015/0007  
Emery County, Utah

December 8, 2016

September 21, 2016	Permit renewal application received.
October 4, 2016	The Division determined the permit renewal to be Administratively Complete.
October 4, 2016	Permit renewal notification sent to federal, state, and local agencies by Division.
October 11, 18, 25 and November 1, 2016	Publication of permit renewal in <u>Emery County Progress</u> .
December 2, 2016	No comments received.
December 8, 2016	Permit renewal approved effective January 29, 2017.

## FINDINGS

Consolidation Coal Company  
Permit Renewal  
Hidden Valley Mine  
C/015/0007  
Emery County, Utah

December 8, 2016

1. Application for a permit renewal was submitted on September 21, 2016 (R645-303-232.100).
2. The terms and conditions of the existing permit are being satisfactorily met. (R645-303-233.110)
3. The reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
4. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R645-303-233.130)
5. The operator has provided evidence of having liability insurance. (Steadfast Insurance Company/Policy Number BOG9377215-14) (R645-303-233.140)
6. The operator has provided evidence that a performance bond is in effect and will continue in full force and effect for the proposed period of renewal. (Surety Bond/Ironshore Indemnity Inc. #SUR0022667 in the amount of \$132,000) (R645-303-233.150)
7. For the most recent permit term, permit changes ordered by the Division and notices of violation requiring a permit change have been incorporated into the permit.

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director of Mining

  
\_\_\_\_\_  
Director

NON-FEDERAL

Permit Number  
C/015/0007

January 29, 2017

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/015/0007, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

**Bronco Utah Operations, LLC**  
P.O. Box 527  
Emery, Utah 84522  
(801) 286-2301

for the Hidden Valley Mine. A Surety Bond is filed with the Division in the amount of \$132,000, 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 reclamation activities on the following described lands within the permit area at the Hidden Valley Mine, situated in the state of Utah, Emery County, and located:

**Township 23 South, Range 6 East, SLBM**

Section 17: W1/2  
Section 18: All

This legal description is for the permit area of the Hidden Valley Mine. The permittee is authorized to conduct reclamation activities on the foregoing described property subject to the conditions of 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 January 29, 2022.

- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written 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 R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the 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 R645-400-210 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 reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary 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 court of treatment or control of waters or emissions to the air in the manner required by the approved Utah State 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 and the approved Utah State 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 FEE PAYMENTS** - 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 and the approved Utah State Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of reclamation 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 federal or state statutes and any new regulations.

**THE STATE OF UTAH**

By: John R. Bay

Date: 12/8/10

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

\_\_\_\_\_  
**Authorized Representative**

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

## **ATTACHMENT A**

### **Special Conditions**

1. Bronco Utah Operations, LLC must submit water quality data for the Hidden Valley Mine in an electronic format through the Electronic Data Input web site, <http://linux3.ogm.utah.gov/cgi-bin/appx-ogm.cgi>

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

SS.

County of Emery,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, 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 webwsite; the first publication was on the 11th day of October, 2016, and that the last publication of such notice was in the issue of such newspaper dated the 1ST day of November, 2016.

*Jenni Fasselin*

Jenni Fasselin – Publisher

Subscribed and sworn to before me this 1st day of November 2016.

*Linda Thayne*

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

Publication fee, \$ 432.00

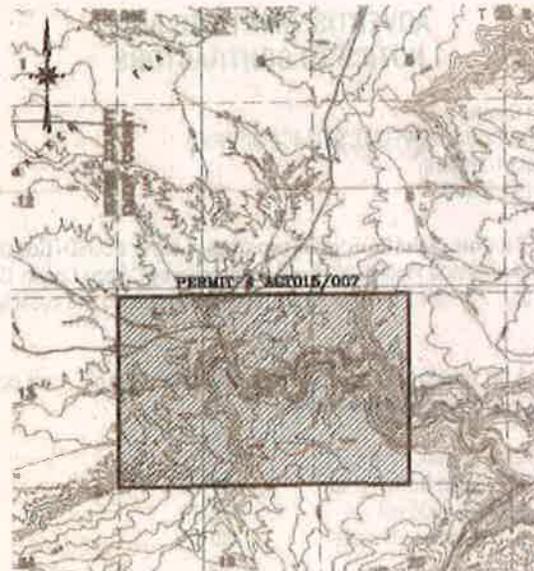


**NOTICE**

Notice is hereby given that Bronco Utah Operations, LLC (BUOLLC), P.O. Box 527, Emery Utah, 84522 has filed application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/007 for reclamation of the Hidden Valley Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area, as shown on the map below, is located on U.S. Geological Survey 7.5 minute Walker Flat quadrangle map as follows:

Sections 18 and W ½ of Section 17, Township 23S, Range 6E, of the Walker Flat Quadrangle;



Bronco Utah Operations LLC  
Hidden Valley Mine



BASE MAP  
LEFT TO RIGHT QUADRANGLES:  
WALKER FLAT, WALKER FLAT, WALKER FLAT

SCALE: 1"=2000'  
CONTOUR INTERVAL 40 FEET  
DATUM IS MEAN SEA LEVEL

Copies of the application for this permit are available for inspection at:

Emery County Recorder's Office      Utah Division of Oil, Gas and Mining  
Emery County Courthouse              Coal Program  
Castle Dale, Utah 84513                1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

Written comments on this application should be submitted to the State of Utah, Division of Oil, Gas & Mining at the above address. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.

Published in the Emery County Progress October 11, 18, 25 and November 1, 2016.



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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

December 8, 2016

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, Bronco Utah Operations, LLC

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 Bronco Utah Operations, LLC. Bronco Utah Operations, 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

Application Number C0150007 SEQ:9  
 Applicant Name 256596 Bronco Utah Operations LLC  
 Date Of Narrative 12/8/2016 7:07:33 AM  
 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.

### 17 Violations Found.

<b>1: Bond Forfeiture</b>	<b><u>2985329</u></b>	<b>KY</b>	<b>Permit:2985329</b>	<b>Outstanding</b>	<b>5/14/1987</b>
Violator 1:	078176 Adkins & Webb Inc				
<b>2: State Civil Penalty</b>	<b><u>053004</u></b>	<b>KY</b>	<b>Permit:2985329</b>	<b>Conditional</b>	<b>3/27/1986</b>
Violator 1:	078176 Adkins & Webb Inc				
<b>3: Bond Forfeiture</b>	<b><u>2985332</u></b>	<b>KY</b>	<b>Permit:2985332</b>	<b>Outstanding</b>	<b>8/19/1988</b>
Violator 1:	108056 J & H Coal Co				
<b>4: State Civil Penalty</b>	<b><u>053764</u></b>	<b>KY</b>	<b>Permit:2985332</b>	<b>Outstanding</b>	<b>9/18/1987</b>
Violator 1:	108056 J & H Coal Co				
<b>5: State Civil Penalty</b>	<b><u>054149</u></b>	<b>KY</b>	<b>Permit:2985332</b>	<b>Outstanding</b>	<b>3/28/1988</b>
Violator 1:	108056 J & H Coal Co				
<b>6: State Civil Penalty</b>	<b><u>053671</u></b>	<b>KY</b>	<b>Permit:4985319</b>	<b>Outstanding</b>	<b>5/22/1987</b>
Violator 1:	034732 Price Coal Co				
<b>7: State Civil Penalty</b>	<b><u>054020</u></b>	<b>KY</b>	<b>Permit:4985319</b>	<b>Outstanding</b>	<b>4/26/1988</b>
Violator 1:	034732 Price Coal Co				
<b>8: State Civil Penalty</b>	<b><u>054058</u></b>	<b>KY</b>	<b>Permit:4985319</b>	<b>Outstanding</b>	<b>11/20/1987</b>
Violator 1:	034732 Price Coal Co				
<b>9: State Civil Penalty</b>	<b><u>054148</u></b>	<b>KY</b>	<b>Permit:4985319</b>	<b>Outstanding</b>	<b>3/24/1988</b>
Violator 1:	034732 Price Coal Co				
<b>10: State Civil Penalty</b>	<b><u>054323</u></b>	<b>KY</b>	<b>Permit:4985319</b>	<b>Outstanding</b>	<b>6/15/1988</b>
Violator 1:	034732 Price Coal Co				
<b>11: Bond Forfeiture</b>	<b><u>6985333</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>1/16/1990</b>
Violator 1:	108056 J & H Coal Co				
<b>12: State Civil Penalty</b>	<b><u>053568</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>6/5/1987</b>
Violator 1:	108056 J & H Coal Co				
<b>13: State Civil Penalty</b>	<b><u>053757</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>7/6/1987</b>
Violator 1:	108056 J & H Coal Co				
<b>14: State Civil Penalty</b>	<b><u>053934</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>10/2/1987</b>
Violator 1:	108056 J & H Coal Co				
<b>15: State Civil Penalty</b>	<b><u>054316</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>3/28/1988</b>
Violator 1:	108056 J & H Coal Co				
<b>16: State Civil Penalty</b>	<b><u>054442</u></b>	<b>KY</b>	<b>Permit:6985333</b>	<b>Outstanding</b>	<b>6/15/1988</b>
Violator 1:	108056 J & H Coal Co				
<b>17: State Civil Penalty</b>	<b><u>504587</u></b>	<b>KY</b>	<b>Permit:8985157</b>	<b>Outstanding</b>	<b>8/23/1988</b>
Violator 1:	007928 Past Coal Company Incorporated				

## Evaluation OFT

Entities: 15

256582 Sandton Fund Advisors, LLC - ()  
 ---256583 Rael Nurick - (Manager)  
 ---256584 Thomas Wood - (Manager)  
 ---256587 Sandton Credit Solutions III GP, LLC - (Subsidiary Company)  
 ---256583 Rael Nurick - (Member)  
 ---256584 Thomas Wood - (Member)  
 ---256585 Sandton Credit Solutions Off-Shore III, LP - (Subsidiary Company)

-----256583 Rael Nurick - (Member)  
 -----256584 Thomas Wood - (Member)  
 -----256586 Sandton Credit Solutions Fund III Subsidiary VIII, LLC - (Subsidiary Company)  
 -----256583 Rael Nurick - (Member)  
 -----256584 Thomas Wood - (Member)  
 -----256589 Sandton Credit Solutions Cayman Fund III, LP - (Subsidiary Company)  
 -----256583 Rael Nurick - (Member)  
 -----256584 Thomas Wood - (Member)  
 -----256590 Sandton Credit Solutions Master Fund III, LP - (Subsidiary Company)  
 -----256583 Rael Nurick - (Member)  
 -----256584 Thomas Wood - (Member)  
 -----256591 Sandton Fund III Holdings III, LLC - (Subsidiary Company)  
 -----256583 Rael Nurick - (Member)  
 -----256584 Thomas Wood - (Member)  
 -----256592 Bronco Coal Resources LLC - (Subsidiary Company)  
 -----118472 Dan R Baker - (Chief Executive Officer)  
 -----118472 Dan R Baker - (President)  
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 -----256593 Gary Takenaka - (Secretary)  
 -----256593 Gary Takenaka - (Treasurer)  
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- 256593 Gary Takenaka - (Secretary)
- 256593 Gary Takenaka - (Treasurer)
- 257895 David Petty - (Chief Financial Officer)
- 257895 David Petty - (Chief Financial Officer)

**Narrative**

12/8/2016 - Violations 1-17 are under Island Creek settlement. Linking entity is Dan R Baker. DB