



OGMCOAL DNR <ogmcoal@utah.gov>

0150015 Emery 2 Interim Seeding of topsoil/subsoil

1 message

Priscilla Burton <priscillaburton@utah.gov>

Thu, Feb 15, 2018 at 4:27 PM

To: OGMCOAL DNR <ogmcoal@utah.gov>, Joe Helfrich <joe Helfrich@utah.gov>, Todd Miller <toddmiller@utah.gov>

Cc: Patrick Collins <mt.nebo@xmission.com>

The topsoil stored in a berm at the Fan pad and the topsoil/subsoil stockpile stored adjacent to the waste rock storage site were seeded with the attached mix.

Kit had great timing on this seeding. He told me they got both rain and snow a week after seeding.

Priscilla Burton, MS, CPSSc

----- Forwarded message -----

From: **Kit Pappas** <jpappas@broncouth.com>

Date: Thu, Feb 15, 2018 at 3:54 PM

Subject: Emery Topsoil Interim Seeding

To: Priscilla Burton <priscillaburton@utah.gov>

Hi Priscilla,

Attached, please find a copy of the seed mix tag that was used for interim seeding of the topsoil piles at the Emery mine, which was completed on February 6th & 7th, 2017.

Additionally, gravel mulch was applied after the seeding.

Please don't hesitate to contact me if you have any questions or comments.

Thanks,

Kit

John C. (Kit) Pappas

Environmental Manager

Bronco Utah Operations, LLC

(o) 435-286-2027

(m) 435-650-7339

jpappas@broncouth.com



Topsoil Piles Interim Seed Mix Certificate 2-7-18.pdf
61K

Granite Seed - Lehi

From: 1697 W 2100 N
Lehi, UT 84043

Mix Name **INTERIM EMERY MIX**

1-47943

Mix # **184444**

INTERIM EMERY MIX

% Pure	Common Name	Variety	G + D or H	Origin
21.34	WESTERN WHEATGRASS	Amba	95 + 0 = 95	WA
20.90	THICKSPIKE WHEATGRASS	Panama	97 - 12	WA
20.48	CRESTED WHEATGRASS	Ephraim	99 + 0 = 99	WY
17.44	SLENDER WHEATGRASS	Revenue	93 + 0 = 93	CAN
17.44	MILKYE, RUSSIAN	Bozoiisky	93 + 0 = 93	MT

0.06 Other Crop

Date Tested: 07-Aug-17

2.30 Inert Matter

Hard Seed: 0.00

0.04 Weed Seed

Noxious Weed: NONE FOUND

Net Weight

46.00 Lbs PLS

49.32 Lbs Bulk

Coverage: 49.326 Bulk #

NOTICE TO BUYER LIMITATIONS OF WARRANTIES AND REMEDIES

Crop yield and quality are dependent upon many factors beyond the control of the labeled seller and NO WARRANTY is made for crop yield and quality. The labeled seller warrants that all seed sold has been labeled as required under applicable state and federal seed law and that the seed conforms to the label description, within recognized tolerances. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE LABEL.

No claim shall be asserted against the labeled seller unless Buyer reports to the labeled seller within a reasonable period after discovery (not to exceed thirty days), any condition that might lead to a complaint. BUYER'S EXCLUSIVE REMEDY FOR ANY CLAIM OR LOSS RESULTING FROM BREACH OF WARRANTY, BREACH OF CONTRACT OR NEGLIGENCE (INCLUDING BUT NOT LIMITED TO INCIDENTAL OR CONSEQUENTIAL DAMAGES) SHALL BE LIMITED TO REPAYMENT OF THE PURCHASE PRICE.

By acceptance of the seed, Buyer agrees the terms and conditions stated above are a benefit to this bargain and constitute the entire agreement between Buyer and the labeled seller. Buyer shall return the original unopened seed package to the labeled seller within twenty days of receipt for a refund of the purchase price if not accepted under these terms.

NOTICE REQUIRED: ARBITRATION / CONCILIATION / MEDIATION

The seed laws of several states including Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Minnesota, Mississippi, Montana, North Dakota, South Carolina (Section 46-21-260), South Dakota, Texas and Washington require arbitration, conciliation or mediation of disputes involving alleged defective seed before certain legal actions may be maintained against a seller. North Carolina offers an alternative to court action that allows claims to be investigated and heard before the Special Seed Board. A complaint (sworn for AR, CO, FL, IL, IN, MN, MS, MT, NC, SC, TX, WA, signed only, CA, GA, ID, ND, SD) must be filed with the Department of Agriculture or Seed Commissioner (IN) or State Plant Board (AR) or Commissioner of Agriculture (NC) within such time to permit an inspection of seed, crops or plants (by an Arbitration Committee - AR, ID, MS, SC). In NC, failure to follow this procedure will limit the amount of damages recoverable. Certified copy of complaint must be sent by registered mail to the labeled seller as provided in individual state law. Information about these requirements may be obtained from the state Department of Agriculture.

Bronco Coal Co
Emery Mine
Highway 10 South 550 West Consol Mine RD
Emery UT 84527