

CB15/025 Incoming



## United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



March 16, 2016

Daron Haddock  
Coal Program Manager  
Utah Division of Oil Gas and Mining  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

RECEIVED

MAR 21 2016

DIV. OF OIL, GAS & MINING

Dear Mr. Haddock,

I have enclosed copies of the OSMRE's Ten Day Notice (TDN) issued to the Utah Division of Oil, Gas and Mining on March 16, 2016. TDN X16-140-545-004 has been issued as a result of noncompliance OSMRE and DOGM identified during the course of the 2015 and 2016 Independent Partial Oversight inspections.

If you have any questions regarding the violations, please contact Spencer Shumate, Natural Resources Specialist, Denver Field Division, at (303) 293-5046 or [jshumate@OSMRE.gov](mailto:jshumate@OSMRE.gov).

Sincerely,

Alan Boehms, Manager  
Denver Field Branch

Attachments: Bear Canyon Mine TDN



**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program**



<b>1. Permittee/Person</b> CASTLE VALLEY MINING LLC		<b>9. Permit Number</b> C0150025	<b>10. Permit Type</b> PP
<b>2. Address</b> 424 LEWIS HARGETT CIRCLE SUITE 250		<b>11. Field Visit Date</b> 3/3/2016	<b>12. Purpose</b> OPI
<b>3. City</b> LEXINGTON		<b>13. SRA Present</b> Y	
<b>4. State</b> KY		<b>14. Permit Status</b> A	<b>15. Site Status</b> AP
<b>5. Zip Code</b> 40503	<b>6. Phone Number</b> (859) 519-3637	<b>16. Facility Type</b> B	
<b>7. Operator Name, if Different than Permittee</b>		<b>17. OSM Office #</b> 140	<b>18. CCID #</b>
<b>8. Mine Name</b> BEAR CANYON		<b>19. Land Code</b> F	
		<b>20. M.S.H.A. ID #</b> 42-01697	<b>21. State Abbrev.</b> UT
		<b>22. County/Burrough</b> EMERY	
		<b>23. AVS Permittee Entity ID Number</b> 250853	<b>24. State Office</b>

**25. Hours**

8.0	a. Permit Review
4.0	b. Site Visit Time
8.0	c. Travel Time
8.0	d. Report Writing

**26. Signature Block**

*John S. Shumate*  
Signature

John Shumate, ID#545  
Printed Name

Date: 3/16/2016

**27. Reviewing Official:**

*Dan Proffman*  
Signature

Review Date: 03-16-2016  
mm - dd - yyyy

Is Supplemental MSE Page Used Y/N  Y

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit  
 Purpose Type Codes - Item 12  
 Oxx... Oversight Rfx... Reclamation Fees CCR... Citizen Complaint Referral (non-site visit)  
 Ass... Assistance Fxx... Federal Actions CC... Citizen Complaint (initial site visit)  
 Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site  
 CCF... Assistance

**Permit Status - Item 14**

<b>A</b> Active: Coal mining activities occurring or permitted but not yet disturbed.	<b>AB</b> Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).
<b>IN</b> Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.	<b>AB1</b> Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
<b>BR</b> Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).	<b>AB2</b> Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
	<b>AB3</b> Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
	<b>NA</b> Not Applicable: When site is unpermitted.

**Site Status - Item 15**

<b>ND</b> No Disturbance: No coal mining and reclamation operations have been started.	<b>MC</b> Mining Complete: No mining activity on site, site regraded and awaiting bond release.	<b>NS</b> Non-Site Visit: Status of site not determined. Forfeiture Pending. The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
<b>EX</b> Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.	<b>TC</b> Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).	<b>FP</b> Forfeited and Reclaimed: Forfeiture reclamation completed.
<b>AP</b> Active Coal Producing: Coal surface mining activities are occurring.	<b>P1</b> Phase I Release: At least Phase I bond release granted for entire permitted area. For Interim permits, partial bond release.	<b>FO</b> Abandoned Site: Abandoned site that is permitted but there is no bond.
<b>AN</b> Active Non-Producing: Active non-producing facility such as tipple or preparation plant.	<b>P2</b> Phase II Release: At least Phase II bond release for the entire permitted area.	<b>WC</b> Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.
<b>NM</b> No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.	<b>P3</b> Phase III Release: Reclamation completed and the RA has released all bond.	

**Facility Type Codes - Item 16**

<b>A</b> ...Surface	<b>D</b> ...Ancillary (Haulroad, Conveyor, and/or Rails)	<b>H</b> ...Exploration Permits	<b>K</b> ...Government Financed Construction Exemption
<b>B</b> ...Underground	<b>E</b> ...Refuse and/or Impoundment	<b>I</b> ...Notice of Intent to Explore	<b>L</b> ...Remining site permitted under 30 CFR 705.25
<b>C</b> ...Preparation Plant	<b>F</b> ...Loading Facility and/or Tipple	<b>J</b> ...Exempt 16 and 2/3	
	<b>G</b> ...Stockpiles		

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 800 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247)

Page 1

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person CASTLE VALLEY MINING LLC

Permit Number C0150025

Field Visit Date 3/3/2016

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<p><b>A. Administrative</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Mining within Valid Permit</li> <li>2. <u>      </u> Mining within Bonded Area</li> <li>3. <u>2</u> Terms &amp; Conditions of Permit</li> <li>4. <u>      </u> Liability Insurance</li> <li>5. <u>      </u> Ownership and Control</li> <li>6. <u>      </u> Temporary Cessation</li> <li>7. <u>      </u> AML Rec. Fees - Non-Respondent</li> <li>8. <u>      </u> AML Rec. Fees - Failure to Pay</li> </ol> <p><b>B. Hydrologic Balance</b></p> <ol style="list-style-type: none"> <li>1. <u>2</u> Drainage Control</li> <li>2. <u>      </u> Inspections &amp; Certifications</li> <li>3. <u>2</u> Siltation Structures</li> <li>4. <u>      </u> Discharge Structures</li> <li>5. <u>2</u> Diversions</li> <li>6. <u>      </u> Effluent Limits</li> <li>7. <u>      </u> Ground Water Monitoring</li> <li>8. <u>      </u> Surface Water Monitoring</li> <li>9. <u>      </u> Drainage - Acid-Toxic Materials</li> <li>10. <u>      </u> Impoundments</li> <li>11. <u>2</u> Stream Buffer Zones</li> </ol> <p><b>C. Topsoil &amp; Subsoil</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Removal</li> <li>2. <u>      </u> Substitute Materials</li> <li>3. <u>      </u> Storage and Protection</li> <li>4. <u>      </u> Redistribution</li> </ol>	<p><b>D. Backfilling &amp; Grading</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Exposed Openings</li> <li>2. <u>      </u> Contemporaneous Reclamation</li> <li>3. <u>      </u> Approximate Original Contour</li> <li>4. <u>      </u> Highwall Elimination</li> <li>5. <u>      </u> Steep Slopes (includes downslope)</li> <li>6. <u>      </u> Handling of Acid and Toxic Materials</li> <li>7. <u>      </u> Stabilization (rills and gullies)</li> </ol> <p><b>E. Excess Spoil Disposal</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Placement</li> <li>2. <u>      </u> Drainage Control</li> <li>3. <u>      </u> Surface Stabilization</li> <li>4. <u>      </u> Inspections &amp; Certifications</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Drainage Control</li> <li>2. <u>      </u> Surface Stabilization</li> <li>3. <u>      </u> Placement</li> <li>4. <u>      </u> Inspections &amp; Certifications</li> <li>5. <u>      </u> Impounding Structures</li> </ol> <p><b>G. Use of Explosives</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Blaster Certification</li> <li>2. <u>      </u> Distance Prohibitions</li> <li>3. <u>      </u> Blast Survey/Schedule</li> <li>4. <u>      </u> Warnings &amp; Records</li> <li>5. <u>      </u> Control of Adverse Effects</li> </ol>	<p><b>H. <u>      </u> Subsidence Control Plan</b></p> <p><b>I. Roads</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Road Construction</li> <li>2. <u>      </u> Certification</li> <li>3. <u>2</u> Drainage</li> <li>4. <u>      </u> Surfacing and Maintenance</li> <li>5. <u>      </u> Reclamation</li> </ol> <p><b>J. Signs &amp; Markers</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Signs</li> <li>2. <u>      </u> Markers</li> </ol> <p><b>K. <u>      </u> Distance Prohibitions</b></p> <p><b>L. Revegetation</b></p> <ol style="list-style-type: none"> <li>1. <u>      </u> Vegetative Cover</li> <li>2. <u>      </u> Timing</li> </ol> <p><b>M. <u>      </u> Postmining Land Use</b></p> <p><b>N. Other</b> General Performance Category</p> <p>_____</p> <p>_____</p> <p>_____</p>
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### Performance Standard Categories 30 CFR Counterparts

<p><b>A. Administrative</b> .....</p> <ol style="list-style-type: none"> <li>1. Valid Permit ..... 773.11</li> <li>2. Mining within Bonded Area ..... 773.11</li> <li>3. Terms &amp; Conditions of Permit ..... 773.17</li> <li>4. Liability Insurance ..... 800.60</li> <li>5. Ownership and Control ..... 778.13</li> <li>6. Temporary Cessation ..... \$42.11(e) &amp; \$16,817.131</li> <li>7. AML Rec. Fees - Non-Respondent ..... 870.15(b)</li> <li>8. AML Rec. Fees - Failure to Pay ..... 870.15(a)</li> </ol> <p><b>B. Hydrologic Balance</b> ..... (816/817.41-57)</p> <ol style="list-style-type: none"> <li>1. Drainage Control ..... 45</li> <li>2. Inspections &amp; Certifications ..... 49(a)(10)</li> <li>3. Siltation Structures ..... 46</li> <li>4. Discharge Structures ..... 47</li> <li>5. Diversions ..... 43</li> <li>6. Effluent Limits ..... 42</li> <li>7. Ground Water Monitoring ..... 41(c)</li> <li>8. Surface Water Monitoring ..... 41(e)</li> <li>9. Drainage - Acid - Toxic Materials ..... 41(f)</li> <li>10. Impoundments ..... 49</li> <li>11. Stream Buffer Zones ..... 57</li> </ol> <p><b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22)</p> <ol style="list-style-type: none"> <li>1. Removal ..... 22(a)</li> <li>2. Substitute Materials ..... 22(c)</li> <li>3. Storage and Protection ..... 22(c)</li> <li>4. Redistribution ..... 22(d)</li> </ol> <p><b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107</p> <ol style="list-style-type: none"> <li>1. Exposed Openings ..... \$16,817.13, 14, 15, &amp; 823.11 &amp; 21</li> <li>2. Contemporaneous Reclamation ..... 100</li> <li>3. Approximate Original Contour ..... 102(a)(1)</li> <li>4. Highwall Elimination ..... 102(a)(2)</li> <li>5. Steep Slopes (includes downslope) ..... 107</li> <li>6. Handling of Acid &amp; Toxic Materials ..... 102(c)</li> <li>7. Stabilization (rills and gullies) ..... 95(b)</li> </ol>	<p><b>E. Excess Spoil Disposal</b> ..... (816/817.71-74)</p> <ol style="list-style-type: none"> <li>1. Placement ..... 71(e)</li> <li>2. Drainage Control ..... 71(f)</li> <li>3. Surface Stabilization ..... 71(g)</li> <li>4. Inspections &amp; Certifications ..... 71(h)</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84</p> <ol style="list-style-type: none"> <li>1. Drainage Control ..... 83(a)</li> <li>2. Surface Stabilization ..... 83(b)</li> <li>3. Placement ..... 83(c)</li> <li>4. Inspections and Certifications ..... 83(d)</li> <li>5. Impounding Structures ..... 84</li> </ol> <p><b>G. Use of Explosives</b> ..... (816/817.61-69)</p> <ol style="list-style-type: none"> <li>1. Blaster Certification ..... 61(c)</li> <li>2. Distance Prohibitions ..... 61(d)</li> <li>3. Blast Survey/Schedule ..... 62-64</li> <li>4. Warnings &amp; Records ..... 66 &amp; 68</li> <li>5. Control of Adverse Effects ..... 67</li> </ol> <p><b>H. Subsidence Control Plan</b> ..... (817.121-122)</p> <p><b>I. Roads</b> ..... (816/817.150-151)</p> <ol style="list-style-type: none"> <li>1. Road Construction ..... 150(c)</li> <li>2. Certification ..... 151(a)</li> <li>3. Drainage ..... 150(b)-151(d)</li> <li>4. Surfacing and Maintenance ..... 150(e)-151(d)</li> <li>5. Reclamation ..... 150(f)</li> </ol> <p><b>J. Signs &amp; Markers</b> ..... 816/817.11)</p> <ol style="list-style-type: none"> <li>1. Signs ..... 11(a),(b),&amp;(c)</li> <li>2. Markers ..... 11(a),(b),(d),(e),&amp;(f)</li> </ol> <p><b>K. Distance Prohibitions</b> ..... (761.11)</p> <p><b>L. Revegetation</b> ..... (816/817.111-116)</p> <ol style="list-style-type: none"> <li>1. Vegetative Cover ..... 111 &amp; 116</li> <li>2. Timing ..... 113</li> </ol> <p><b>M. Postmining Land Use</b> ..... (816/817.133)</p>
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**OSM Action**

1) Deferred to State Action	6) ID-CO Issued (Imminent Danger to Public)
2) TDN Issued	7) Previously cited by RA, abatement pending
3) NOV Issued	8) Abated during or before OSM inspection
4) FTA-CO Issued	9) Follow-up of Federal Action
5) IH-CO Issued	0) Off-site impact with no violation

**Off-Site Impacts**

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:

N - Minor Occurrence  
D - Moderate Occurrence  
J - Major Occurrence

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <input style="width:90%;" type="text" value="CASTLE VALLEY MINING LLC"/>	Permit Number <input style="width:90%;" type="text" value="C0150025"/>	Field Visit Date <input style="width:90%;" type="text" value="3/3/2016"/>	<b>State Program Continuation Page</b>
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A. Specific State Law/Regulations Violated: <input style="width:90%;" type="text" value="R645-301-742.123"/>	
B. Description: <input style="width:90%;" type="text" value="Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion."/>	
C. Performance Standard: <input style="width:20%;" type="text" value="B3"/>	D. Abated (Y/N): <input style="width:20%;" type="text" value="N"/>
E. OSM Action: <input style="width:20%;" type="text" value="2"/>	F. OSM Action Number: <input style="width:20%;" type="text" value="X16-140-545-004"/> Viol#: <input style="width:20%;" type="text" value="01"/>
G. Optional:	H. Any Off-Site Impacts (Y/N): <input style="width:20%;" type="text" value="N"/>
I. Latitude: <input style="width:20%;" type="text" value="0385249"/>	J. Longitude: <input style="width:20%;" type="text" value="1104207"/> K. Elevation: <input style="width:20%;" type="text"/>

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated: <input style="width:90%;" type="text" value="R645-301-528.331"/>	
B. Description: <input style="width:90%;" type="text" value="Noncoal mine wastes generated during mining activities will be placed and stored in a controlled manner in a designated portion of the permit area."/>	
C. Performance Standard: <input style="width:20%;" type="text" value="E1"/>	D. Abated (Y/N): <input style="width:20%;" type="text" value="N"/>
E. OSM Action: <input style="width:20%;" type="text" value="2"/>	F. OSM Action Number: <input style="width:20%;" type="text" value="X16-140-545-004"/> Viol#: <input style="width:20%;" type="text" value="02"/>
G. Optional:	H. Any Off-Site Impacts (Y/N): <input style="width:20%;" type="text" value="N"/>
I. Latitude: <input style="width:20%;" type="text" value="0385249"/>	J. Longitude: <input style="width:20%;" type="text" value="1104207"/> K. Elevation: <input style="width:20%;" type="text"/>

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated: <input style="width:90%;" type="text" value="R645-301-731.600"/>	
B. Description: <input style="width:90%;" type="text" value="Encroachment of the Stream Buffer Zone"/>	
C. Performance Standard: <input style="width:20%;" type="text" value="B11"/>	D. Abated (Y/N): <input style="width:20%;" type="text" value="N"/>
E. OSM Action: <input style="width:20%;" type="text" value="2"/>	F. OSM Action Number: <input style="width:20%;" type="text" value="X16-140-545-004"/> Viol#: <input style="width:20%;" type="text" value="03"/>
G. Optional:	H. Any Off-Site Impacts (Y/N): <input style="width:20%;" type="text" value="Y"/>
I. Latitude: <input style="width:20%;" type="text" value="0385249"/>	J. Longitude: <input style="width:20%;" type="text" value="1104207"/> K. Elevation: <input style="width:20%;" type="text"/>

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	D	D	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated: <input style="width:90%;" type="text" value="R645-301-521.170"/>	
B. Description: <input style="width:90%;" type="text" value="Each permit application will describe each road, conveyor, and rail system to be constructed, used, or maintained within the proposed permit area."/>	
C. Performance Standard: <input style="width:20%;" type="text" value="AN"/>	D. Abated (Y/N): <input style="width:20%;" type="text" value="N"/>
E. OSM Action: <input style="width:20%;" type="text" value="2"/>	F. OSM Action Number: <input style="width:20%;" type="text" value="X16-140-545-004"/> Viol#: <input style="width:20%;" type="text" value="04"/>
G. Optional:	H. Any Off-Site Impacts (Y/N): <input style="width:20%;" type="text" value="N"/>
I. Latitude: <input style="width:20%;" type="text" value="0385249"/>	J. Longitude: <input style="width:20%;" type="text" value="1104207"/> K. Elevation: <input style="width:20%;" type="text"/>

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person	<input type="text" value="CASTLE VALLEY MINING LLC"/>	Permit Number	<input type="text" value="C0150025"/>	Field Visit Date	<input type="text" value="3/3/2016"/>	<b>State Program Continuation Page</b>
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A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard:  D. Abated (Y/N):

E. OSM Action:  F. OSM Action Number:  Viol#:

G. Optional:  H. Any Off-Site Impacts (Y/N):

I. Latitude:  J. Longitude:  K. Elevation:

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard:  D. Abated (Y/N):

E. OSM Action:  F. OSM Action Number:  Viol#:

G. Optional:  H. Any Off-Site Impacts (Y/N):

I. Latitude:  J. Longitude:  K. Elevation:

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard:  D. Abated (Y/N):

E. OSM Action:  F. OSM Action Number:  Viol#:

G. Optional:  H. Any Off-Site Impacts (Y/N):

I. Latitude:  J. Longitude:  K. Elevation:

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard:  D. Abated (Y/N):

E. OSM Action:  F. OSM Action Number:  Viol#:

G. Optional:  H. Any Off-Site Impacts (Y/N):

I. Latitude:  J. Longitude:  K. Elevation:

**L. Off-Site Impacts**

	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-140-545-004 TV 7

Originating Office: Denver Regional Office  
US DOI, Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202

Telephone Number: (303) 293-5000

Ten-Day Notice to the State of **Utah**

You are notified that, as a result of Other (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your actino to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: CASTLE VALLEY MINING LLC County: EMERY  
(Or Operator if No Permit)

Mailing Address: 424 LEWIS HARGETT CIRCLE SUITE 250, , LEXINGTON, KY 40503

Permit Number: C0150025 Mine Name: BEAR CANYON

- Surface  
 Underground  
 Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion.**

Section of State Law, Regulation or Permit **R645-301-742.123**  
Condition believed to have been violated:

**02 NATURE OF VIOLATION AND LOCATION:**

**Noncoal mine wastes generated during mining activities will be placed and stored in a controlled manner in a designated portion of the permit area**

Section of State Law, Regulation or Permit **R645-301-528.331**  
Condition believed to have been violated:

**03 NATURE OF VIOLATION AND LOCATION:**

**Encroachment of the Stream Buffer Zone**

Section of State Law, Regulation or Permit **R645-301-731.600**  
Condition believed to have been violated:

Remarks or Recommendations:

**On May 13, 2015, OSMRE conducted an Independent Partial Oversight inspection at Castle Valley, LLC (Bear Canyon Mine). Upon completion of the 2015 inspection, it was understood that DOGM would issue four violations to Bear Canyon for noncompliance. DOGM issued NOV #19151, 19152, 19153, and 19154 to Bear Canyon Mine on June 18, 2015. Conversely, OSMRE was notified on September 10, 2015 of DOGM's decision to vacate three out of the four NOV's (#19151, 19152, 19154) and terminate #19153. As a result, OSMRE scheduled the EY 2016 Independent Partial Oversight inspection at Bear Canyon to follow up on the aforementioned noncompliance issues identified in 2015.**

Date of Notice: **03/16/2016**

Signature of Authorized Rep.:



Print Name and ID: **John Shumate ID# 545**

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-140-545-004 TV 7

Originating Office: Denver Regional Office  
US DOI, Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202

Telephone Number: (303) 293-5000

Ten-Day Notice to the State of **Utah**

**04 NATURE OF VIOLATION AND LOCATION:**

**Each permit application will describe each road, conveyor, and rail system to be constructed, used, or maintained within the proposed permit area.**

Section of State Law, Regulation or Permit **R645-301-521.170**  
Condition believed to have been violated:

**05 NATURE OF VIOLATION AND LOCATION:**

**Siltation Structures. Siltation structures shall be designed in compliance with the requirements of R645-301-742**

Section of State Law, Regulation or Permit **R645-301-742.200**  
Condition believed to have been violated:

**06 NATURE OF VIOLATION AND LOCATION:**

**Drainage pipes and culverts will be constructed to avoid plugging or collapse and erosion at inlets and outlets.**

Section of State Law, Regulation or Permit **R645-301-742.423.2**  
Condition believed to have been violated:

**07 NATURE OF VIOLATION AND LOCATION:**

**Drainage ditches will be designed to prevent uncontrolled drainage over the road surface and embankment. This includes the use of trash racks or basins to aid in drainage control.**

Section of State Law, Regulation or Permit **R645-301-742.423.3**  
Condition believed to have been violated:

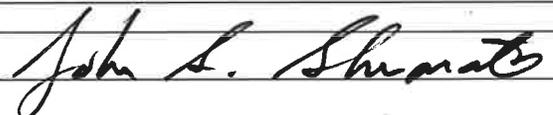
**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Date of Notice: **03/16/2016**

Signature of Authorized Rep.: 

Print Name and ID: **John Shumate ID# 545**

**Bear Canyon Mine Partial Oversight Inspection Report**

Utah Division of Oil, Gas and Mining (DOGGM) Permit ID # C/015/0025

**Date:**

Wednesday, March 3, 2016

**Participants:**

Kenny Defa, Castle Valley Mining, LLC-Bear Canyon

Karl Houskeeper, Division of Oil, Gas, and Mining (DOGGM)

Spencer Shumate, Office of Surface Mining Reclamation and Enforcement (OSMRE) Badge #541

**Weather:**

At the time of inspection, the weather conditions were clear, and sunny.

**Background:**

On May 13, 2015, OSMRE conducted an Independent Partial Oversight inspection at Castle Valley, LLC- Bear Canyon Mine. Upon completion of the 2015 inspection, it was understood that DOGM would issue four violations to Bear Canyon for non-compliance. DOGM issued NOV#19151, 19152, 19153, and 19154 to Bear Canyon Mine on June 18, 2015.

Conversely, OSMRE was notified on September 10, 2015 of DOGM's decision to vacate three out of the four NOV's (NOV# 19151, 19152, 19154) and terminate #19153.

See Appendix A for a copy of DOGM's inspection report.

See Appendix B for a copy of DOGM's NOV's written to Bear Canyon.

See Appendix C for a copy of DOGM's Notice to Vacate/Terminate NOV's.

For this reason, OSMRE selected the Bear Canyon Mine as part of the EY 2016 OSMRE Independent Oversight inspection schedule. The inspection began at the mine site office where we met with Kenny Defa. Jaren Jorgenson is normally the mine site representative that would accompany the inspector(s); however, Jaren was unavailable due to a safety training he was attending at an offsite location. The field inspection began at approximately 8:00 am and concluded with a closeout discussion at approximately 12:00 pm.

The following information is a compilation of OSMRE's EY 2015 and EY 2016 Independent Oversight inspection reports. Because of DOGM's previous actions, and current inaction, to address on-the-ground violations of its approved regulatory program, compliance issues identified in inspection report are considered still applicable.

See Appendix D for a copy of inspection photos.

**Signs and Markers:**

The entrance to the Bear Canyon permit displayed the proper mine identification signs but several instances were noted where stream buffer zone signs were either 1) missing, 2) not visible because of poor placement and 3) not visible because the sign was completely turned

around facing the wrong direction (i.e., not visible from the road-only visible if you are standing in the stream buffer zone).

### **Roads:**

As noted during the 2015 inspection, all haul roads were generally in good repair, with the exception a damaged culvert identified near the junction of the main access road leading to Portal #4 and the primary tipple road. It was noted that the culvert had been exposed and a hole had been breached, thus allowing for deposition of coal fines and sediment to enter the undisturbed Bear Creek drainage. During the 2016 inspection, a determination could not be made as to whether or not this culvert had been replaced. This section of the road was not indicative to what you would expect to see after removal and replacement of a drainage culvert.

### **Surface Facilities:**

Inspection of the overland conveyer revealed that there was still a missing side panel that was identified during the May 13, 2015 inspection. In addition to the missing side panel, several sections of the conveyer are in disrepair, thus allowing more coal and coal fines to fall out into the designated stream buffer zone. Significant amounts of coal fines were observed. It also appears that much of the overland conveyer has not been constructed as required by the approved designs. Appendix 7K and Figure 7K-1 of the approved permit provides specification for construction and maintenance regarding the overland conveyer.

### ***Welding Shop Area***

As noted in the 2015 inspection, the grated "grease trap" (4'x4') needs cleaning. The grease trap located on the pad of the welding shop area is full of grease and petroleum like substance. During the 2016 inspection, it was apparent that this grease trap over flowed at some point in time and completely blew out the berm directly adjacent to it. OSMRE notes that the undisturbed Bear Creek drainage is no more than twenty feet down gradient of where the erosion is occurring. This is important to note because there are not adequate BMP's in place to provide protection to the undisturbed area. Although there is a poorly maintained drainage on the west side of the road (same side the blow out occurred) the drainage is obstructed with miscellaneous noncoal waste, thus adding potential for untreated drainage to enter Bear Creek. Inspection of the stream buffer zone at this location is indicative of coal fine deposition.

### **Hydrologic Balance/Sediment Control:**

#### ***ASCA (Approved Sediment Control Alternatives)***

Along the portal access road, below Portal #3, was a dilapidated silt fence within the boundary of the stream buffer zone. It is apparent that the silt fence is not functioning as designed due to the lack of maintenance. As a result, any untreated drainage/surface runoff from the overhead conveyer (directly above this area) and disturbed area is able to comingle with the undisturbed Bear Creek drainage.

The Drainage pipe that crosses under the main haul road (down gradient from Portal #3) has not been maintained nor constructed as designed. Appendix 7-K provides that erosion control matting will be maintained to prevent further erosion. No erosional matting was observed at the time of inspection. As a result, there is significant erosion in this area. During the 2015 inspection, it was noted that there was a dried, sludgy mud material on the out slope of the Portal

#3 access road. Conversation with Jaren Jorgenson indicated that it was likely the result of regular maintenance during snow removal on the haul road. Further review of the approved permit (Appendix 7K-12A) provides reference to approved snow storage areas, none of which is where the material was observed. It is evident that repair/maintenance efforts have been conducted at several of the ASCAS that lead to the East portals. However, many of these ASCAS are still in need of repair/maintenance.

There are several reaches along primary haul roads and/or ancillary roads where berms have not been maintained, thus allowing untreated drainage (i.e., coal fines) to encroachment areas of the stream buffer zone.

#### ***Sediment Pond A***

The pond was inspected for overall stability and functionality. This included the inlet structure, principle spillway, and emergency spillway. Significant erosion to the pond inlet was observed during the 2015 inspection. Further review of the permit (Appendix 7-F) indicates that the pond inlet and cleanout access ramp are “one in the same” and if erosional features develop, they will be maintained. As noted during the OSMRE 2015 inspection, pond cleanout material was being stored on the pond embankment rather than hauled to the approved sediment pond waste area (*Chapter 7, R645-301-700 Hydrology, and Page 7-104*).

OSMRE notes that the pond inlet appears to be in much better shape than what was observed during the 2015 inspection. As to the excavated material being stored at pond A, it does appear that some work has been done but it is clear the job has not been completed since it was noted in September 2015.

A significant erosional feature was also identified at pond A on the outslope side of the emergency spillway. Although this was not identified during the previous inspection, it does not seem to be a new development.

#### ***Sediment Pond B***

The pond was inspected for overall stability and functionality. This included the inlet structure, principle spillway, and emergency spillway. Significant erosion to the pond inlet was observed during the 2015 inspection. Further review of the permit (Appendix 7-F) indicates that Pond B is designed with TWO inlets, one of which shows that grouted riprap will be used. Additionally, the design information found at Appendix 7-F does not account for the corrugated pipe used as the other inlet. Furthermore, there is concern of potential “short-circuiting” as it relates to the close proximity of the principle spillway-decant structure.

It is apparent that repair work for the eroded inlet has been performed since OSMRE’s 2015 inspection; however, the maintenance is still not in accordance with the approved permit, as it has not been grouted.

#### ***Sediment Pond C***

The pond was inspected for overall stability and functionality. This included the inlet structure, principle spillway, and emergency spillway. A paving effect has occurred at the pond inlet, thus the inlet is not able to function as designed.

This is the same observation that OSMRE noted in the 2015 inspection. However, there has been a drainage feature constructed (up gradient of the ponds inlet) in the direction of the bathhouse that appears to be a ditch that includes a check-dam. Conversation with DOGM and the mine site representative were inconclusive on the details for of the new design. Therefore, it is unclear as to what this feature is.

### ***Sediment Pond D***

This pond was inspected for overall stability and functionality. This included the inlet structure, principle spillway, and emergency spillway. As was noted in the 2015 inspection report, erosion has created an additional inlet at pond D. Appendix 7-F states, in part, that the pond inlet will be protected using grouted riprap. Snow/slurry sludge/ and other noncoal waste was observed on the pond embankment. Further review of the approved permit (Appendix 7K-12A) provides reference to approved snow storage areas, none of which is where the material was observed. OSMRE notes the pond is not functioning as designed, at the time of inspection.

### ***Diversions/Drainage***

As noted in the DOGM's May 13, 2015 inspection report, the silt fence located in drainage at the base of sediment pond A is completely buried (directly below where erosional feature was identified at the emergency spillway) and needs to be replaced. OSMRE notes the same silt fence in the 2016 inspection has been removed but no replacement of this BMP have occurred. The importance of this silt fence is intended to filter excessive sediment loading from entering the undisturbed Bear Creek drainage. Conversely, the operator removed the BMP rather than replace/maintain it. Because of the excessive sediment loading in this drainage, the excessive trash and the significant erosion up gradient of the undisturbed drainage, it is concerning to OSMRE that DOGM has allowed complete removal of this important BMP siltation structure. Generally, removal of sediment control structures are only authorized once a demonstration has been made to prove it is no longer necessary.

### ***Culverts***

As noted in OSMRE's 2015 inspection, a lack of maintenance regarding clogged culverts appears to be a systemic issue throughout the mine site. Numerous culvert inlets along the portal access road contained snow and mud mixtures. This was observed to be the case during the 2016 inspection. Notwithstanding, culvert C-4D was identified as clogged with sediment in 2015 and the comparative picture that was taken during the 2016 inspection depicts that there has been zero maintenance conducted.

Inlet C-6D was also reported during the 2015 inspection as 75% full of sediment. This inlet is on the pad area of the welding shop and directly adjacent to the grease trap that is used to catch fluids and sediment from vehicle washouts.

### **Stream Buffer Zone:**

OSMRE notes several areas that were marked "Stream Buffer Zone-Do Not Disturb" throughout the permit area. Conversely, the markers were well within the 100ft of mine disturbance that is allowed by R645-301-731.600. Specifically, the disturbance identified within the Stream Buffer Zones included during the 2015 inspection was noted as the following:

1. A wooden structure that appeared to be some sort of “fort” or “hideout”;
2. A mine employee cutting limbs along a footpath with a sawzall;
3. Various non-coal waste items ranging from gear lubricant, coal, pump hoses, metals and a bag of Calcium Chloride.

Further review of the approved permit (Chapter 7, R645-331-731.600 Hydrology, Page 7-61F) states that:

*Anywhere that mining and reclamation activities are conducted within 100 feet of a perennial stream runoff and sediment control structures exist to protect water quality. These areas are designated, as “Stream Buffer Zone do not Disturb.*

The pump hoses have been removed from the SBZ. However, the other disturbances that were identified in 2015 (i.e., wooden fort, footpath, coal fines) have not been addressed.

#### **Noncoal Waste**

Noncoal waste was observed consistently throughout the inspection of the mine permit area during the 2015 inspection, as well as this inspection. To be clear, no particular area was considered to be “excessive,” but cumulatively trash items were noted throughout the entire inspection at various areas of the Bear Canyon Mine. The following bullet points are intended to provide specifics of where noncoal waste was observed during the 2016 inspection:

- Bradish cloth and Styrofoam along ancillary access road near welding shop (road that leads to pond A).
- Various trash items around bathhouse area
- Various trash items in drainage that connects to undisturbed drainage (between Pond B and Pond A).
- Wood debris in and around pond B;
- Wooden cable spool at pond A embankment;
- Misc. cable along pond A embankment;
- Wooden pallets, misc. metal and wire, cables, pipes and rubber throughout drainage behind welding shop;
- Ice melt bag in roadside drainage near load out area;
- Approximately half a dozen large wooden containers being used as storage adjacent to (“hunting cabin”).
- Plastic sheeting, empty quickrete bag and Styrofoam in pond D;
- Plastic sheeting on outslope of haul road (just down gradient of Portal #3 area);
- Large pile of noncoal waste (appears to a combination of woody debris, sludge/mud from where the pad was cleared of snow) stored on the embankment of pond D;
- Various noncoal items including old conveyor belts, pipes, and metal along the ancillary road just up-gradient from switchback below Portal #3;
- Old truck cab and door in stream buffer zone (adjacent to coal stockpile area)

**Enforcement Actions / Programmatic Compliance:**

After issuing enforcement actions for violations observed during the DOGM/OSMRE 2015 independent oversight inspection (NOV# 19151, 19152, 19153 and 19154), DOGM subsequently vacated # 19151, 19152, 19154 and terminated # 19153. These same violations were again observed during this inspection. Although the DOGM inspector agreed the conditions observed during the inspection warranted enforcement actions, he was reluctant to issue such.

In support of the fact that DOGM inspectors seem to be reluctant to ensure that program compliance is achieved, OSMRE has identified the following language in various DOGM inspection reports/conference hearings that give the impression to be the basis for why DOGM is not implementing enforcement action when inspections reveal that an enforcement action is warranted:

The Division Inspector is following the admonition given by the Division Director/Informal Conference Officer for the Citation. The actions or conditions for which the NOV were written were such minor deficiencies in the context of the operation, that they do not constitute a violation of the MRP and did not justify an NOV being issued. The matter would have been more properly addressed by a communication from the inspector to the operator about conditions that the operator should attend to...

As a result of the conditions observed during this inspection, OSMRE has issued TDN # X16-141-545-004 to DOGM for noncompliance of the following Rules and noncompliance issues:

1. Failure to maintain inlets to sediment ponds (Rule R645-301-742.123);
2. Failure to control noncoal waste (Rule R645-301-528.331);
3. Encroachment of the Stream Buffer Zone (Rule R645-301-731.600);
4. Failure to maintain support facilities and maintain sediment control structures so as to prevent contribution of suspended solids to the undisturbed drainage (Rules R645-301-521.170, 742.200, 742.423.2, and 742.423.3)



**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

**Division of Oil, Gas and Mining**

JOHN R. BAZA  
Division Director

**Inspection Report**

Permit Number:	C0150025
Inspection Type:	PARTIAL OVERSITE
Inspection Date:	Wednesday, May 13, 2015
Start Date/Time:	5/13/2015 10:45:00 AM
End Date/Time:	5/13/2015 5:45:00 PM
Last Inspection:	Tuesday, April 28, 2015

Inspector: Joe Helfrich

Weather: cool partly cloudy

InspectionID Report Number: 4193

Accepted by:

Representatives Present During the Inspection:	
OSM	Tom Medlin
OSM	Spencer Shumate
Company	Jaren Jorgensen
OGM	Lisa Reinhart
OGM	Joe Helfrich

Permitee: **CASTLE VALLEY MINING LLC**  
 Operator: **CASTLE VALLEY MINING LLC**  
 Site: **BEAR CANYON MINE**  
 Address: **2352 NORTH 7TH STREET, UNIT B, GRAND JUNCTION CO 81501**  
 County: **EMERY**  
 Permit Type: **PERMANENT COAL PROGRAM**  
 Permit Status: **ACTIVE**

Current Acreages		Mineral Ownership	Types of Operations
10,991.83	<b>Total Permitted</b>	<input checked="" type="checkbox"/> Federal	<input checked="" type="checkbox"/> Underground
40.64	<b>Total Disturbed</b>	<input type="checkbox"/> State	<input type="checkbox"/> Surface
	<b>Phase I</b>	<input type="checkbox"/> County	<input type="checkbox"/> Loadout
	<b>Phase II</b>	<input checked="" type="checkbox"/> Fee	<input type="checkbox"/> Processing
	<b>Phase III</b>	<input type="checkbox"/> Other	<input type="checkbox"/> Reprocessing

**Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:**

The purpose of this inspection was to conduct a partial oversight inspection of the Bear Canyon mine. Jaren Jorgensen provided an overview of the layout of the surface facilities and current underground operations. The group started the inspection of the surface facilities at sediment pond B walked to pond C and the lower end of the stream buffer zone then across the drainage below sediment pond A and upstream between the buffer zone and pond A to the pond's inlet and down across the stream to the scalehouse and up to the shop and wash pad and on up the access road to the end of the surface facilities. The group drove to the #4 portal on the east side of the canyon and walked down the road to the mine office.

Four notice of violations were issued as a result of the inspection, they include:

Sediment pond maintenance (19151), Non-coal waste (19152), stream Buffer Zone protection (19153) and maintenance of sediment controls and conveyor structures (19154).

Items noted: sediment ponds (ABCD) inlet head cutting and maintenance, Non-coal waste, activities in the stream buffer zone, damaged cross culvert C 7U at surface facility main access road, partially crushed culverts along road to #4 mine, conveyor maintenance, coal spill under conveyor near the transfer point, ASCA maintenance, headcutting on the outslope of the repaired leachfield, small shear cave between portal #4 and the hunting cabin

Inspector's Signature:

Joe Helfrich,  
Inspector ID Number: 1

Date Monday, May 18, 2015



Permit Number: C0150025  
 Inspection Type: PARTIAL OVERSITE  
 Inspection Date: Wednesday, May 13, 2015

**REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS**

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
  - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
  - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Permit Number: C0150025  
Inspection Type: PARTIAL OVERSITE  
Inspection Date: Wednesday, May 13, 2015

Inspection Continuation Sheet

Page 3 of 4

## **2. Signs and Markers**

The sign at the entrance contained the required information

### **4.a Hydrologic Balance: Diversions**

Culvert C7U that transports undisturbed drainage underneath the main access road to Bear creek needs to be repaired to prevent disturbed area drainage from entering Bear creek untreated.

### **4.b Hydrologic Balance: Sediment Ponds and Impoundments**

The four sediment ponds were inspected in the following order:

The inlet to sediment pond B located just below the scalehouse and entrance to the office and bathhouse was removed in 2011 as an abatement measure for notice of violation #10068. Runoff has created an additional inlet that is eroding the inslope of the pond. The source is from disturbed area drainage from a small portion of the access road to the office and bathhouse facilities. In order to abate this portion of NOV 19151 an update to the MRP is required that includes designs for the additional inlet, the location of the CMP inlet culvert and a demonstration that the configuration of the pond as updated will not be short circuiting.

Sediment pond C; the inlet to this pond does not appear to have been maintained to the current design standards noted on page 7-99 of the MRP that require 4" MD riprap. There is evidence of some riprap along the inlet to the pond. The riprap may be covered by the loose soil material that has been transported from the repaired leachfield area by surface runoff. Disturbed area drainage has also eroded the outslope of the leachfield repair area that reports to sediment pond C. These two areas need to be repaired in order to abate this portion of NOV 19151. Non-coal waste was observed in the pond.

Sediment pond A is also showing eroded areas at the inlet that need to be repaired and it appears as though there is some clean out material located on the cleanout access road that should be moved to the stockpile pad in order to abate this portion of NOV 19151.

Sediment pond D has developed an eroded inlet channel from surface drainage coming off of the #3 pad area. In order to abate this portion of NOV 19151 an update to the MRP is required that includes designs for the additional inlet and a demonstration that the current configuration of the pond as updated will not be short circuiting.

#### **4.c Hydrologic Balance: Other Sediment Control Measures**

Several ASCAS located along the access road to the East portals have not been maintained to prevent piping under and around the straw bale/silt fence structures. They are shown on plate 7-1G as BTCA H area 7 and plate 7-1F BTCA H area 4. Several of the cross culverts need to be repaired to allow runoff from precipitation events to adequately pass through them. The silt fence located in the drainage at the base of sediment pond A (south end) is silted in. The sediment needs to be removed and the silt fence needs to be replaced if it is shown to be deteriorated. The sediment may be suitable growth media.

Permit Number: C0150025  
Inspection Type: PARTIAL OVERSITE  
Inspection Date: Wednesday, May 13, 2015

Inspection Continuation Sheet

Page 4 of 4

#### **4.d Hydrologic Balance: Water Monitoring**

A sample of the milky substance in the stream flow above the access road crossing to the East portals should be taken during the next inspection. The change in the color of the water stretches upstream for approximately 50 yards. Jaren indicated that other people had also inquired about the difference in color at that location and perhaps it was attributed to the rock formation adjacent to the stream.

#### **8. Noncoal Waste**

Noncoal waste was observed in the following areas: The stream buffer zone area that runs the length of the surface facilities disturbed area; Sediment ponds A, B, C and D; the outslope of the pad at the # 3 portal (NOV19152).

#### **16.b Roads: Drainage Controls**

The drainage controls for the access road to the #4 mine pad were not functioning as designed to prevent erosion on the out slopes and deposition of coal fines and sediment from accumulating in the undisturbed drainage that feeds into Bear creek. The cross culvert at the junction of the main access road and the primary tipple road as depicted on plate 7-1C has been damaged allowing some sediment from the road to enter the stream (NOV19154).

**18. Support Facilities, Utility Installations**

The conveyor that transports coal from the # 3 portal to the mine yard is not adequately covered and maintained which has resulted in the deposition of coal slurry into the undisturbed drainage that flows into Bear creek. See Figure 7K-1 (NOV19154).

**22. Other**

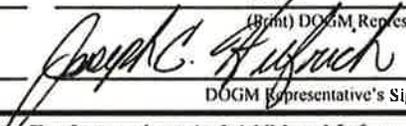
Stream Buffer Zone Encroachment, (NOV19153);

Several areas were marked "Stream Buffer Zone-Do Not Disturb" throughout the permit area. The markers were well within the 100ft of mine disturbance that is allowed by R645-301-731.600. The disturbances identified within the Stream Buffer Zones included:

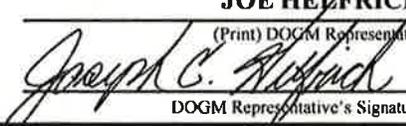
1. A wooden structure that appeared to be some sort of "fort" or "hideout";
2. A mine employee cutting lbs off a tree with a sawzall;
3. Various non-coal waste items ranging from gear lubricant, coal, coal fines, metals and an empty bag of Calcium-Chloride
4. The equipment used to decant pond C (pump hose and pump) into pond B is located in the stream buffer zone.

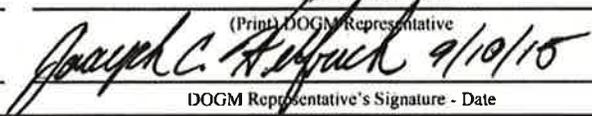
Further review of the permit at Chapter 7, R645-301-731.600 Hydrology, Page 7-61F state that "Anywhere that mining and reclamation activities are conducted within 100 feet of a perennial stream runoff and sediment control structures exist to protect water quality. These areas are designated as "Stream Buffer Zone do not Disturb". Conversely, no information was found, i.e. maps or any other documentation that indicate that the Division has approved areas of disturbance that are less than 100 feet.

 <p><b>UTAH DNR</b> OIL, GAS &amp; MINING</p>	<b>Citation for Non-Compliance</b>	<b>Citation #:</b> 19151
	<b>Utah Coal Regulatory Program</b>	<b>Permit Number:</b> C0150025
	1594 West North Temple, Salt Lake City, UT 84114 Phone: (801) 538-5340 Fax: (801) 359-3940	<b>Date Issued:</b> 06/18/2015
<input checked="" type="checkbox"/> <b>NOTICE OF VIOLATION</b>	<input type="checkbox"/> <b>CESSEATION ORDER (CO)</b>	<input type="checkbox"/> <b>FAILURE TO ABATE CO</b>
<b>Permittee Name:</b> CASTLE VALLEY MINING LLC	<b>Inspector Number and ID:</b> 1 JHELFRIC	
<b>Mine Name:</b> BEAR CANYON MINE	<b>Date and Time of Inspection:</b> 05/13/2015	
<b>Certified Return Receipt Number:</b> 7012346000295596472	<b>Date and Time of Service:</b> 06/18/2015	
<b>Nature of condition, practice, or violation:</b> The permittee has not maintained the inlets to sediment ponds A, B, C, and D in accordance with Appendix 7F of the approved mining and reclamation plan (MRP).		
<b>Provisions of Act, regulations, or permit violated:</b> R645-301-742.123		
<input type="checkbox"/> <b>This order requires Cessation of ALL mining activities.</b> (Check box if appropriate.)		
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.	
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.	
<input type="checkbox"/> <b>This order requires Cessation of PORTION(S) of mining activities.</b>		
<b>Mining activities to be ceased immediately:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Abatement Times (if applicable).</b>
		30 days, no later than 5:00 Pm Friday
		July 17th for the submittal of plans for
		ponds B & D and repair of inlets for ponds
		A & C.
<b>Action(s) required:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Sediment Pond A: Clean and reestablish the rip-rapped inlet channel the has been eroded and place the waste material on the appropriate coal stockpile pad.		
Sediment Pond B: Refer to # 4b of the attached DOGM inspection report.		
Sediment pond C: Clean and reestablish the rip-rapped inlet channel the has been eroded. Repair the erosion on the outslope of the leachfield upstream of pond C.		
Sediment Pond D: Refer to # 4b of the attached DOGM inspection report.		
<b>Jaren Jorgensen</b>	<b>JOE HELFRICH</b>	
(Print) Permittee Representative	(Print) DOGM Representative	
_____ Permittee Representative's Signature - Date	 DOGM Representative's Signature - Date	
<b>SEE REVERSE SIDE OF This Form For Instructions And Additional Information</b>		

 <p><b>UTAH DNR</b> OIL, GAS &amp; MINING</p>	<p><b>Citation for Non-Compliance</b>  <b>Utah Coal Regulatory Program</b>                  1594 West North Temple, Salt Lake City, UT 84114                  Phone: (801) 538-5340 Fax: (801) 359-3940</p>	<p><b>Citation #:</b>      <b>19152</b></p>
		<p><b>Permit Number:</b>      <b>C0150025</b></p>
		<p><b>Date Issued:</b>      <b>06/18/2015</b></p>
<input checked="" type="checkbox"/> <b>NOTICE OF VIOLATION</b>	<input type="checkbox"/> <b>CESSATION ORDER (CO)</b>	<input type="checkbox"/> <b>FAILURE TO ABATE CO</b>
<p><b>Permittee Name:</b> CASTLE VALLEY MINING LLC</p>		<p><b>Inspector Number and ID:</b>      <b>1</b>      <b>JHELFRIC</b></p>
<p><b>Mine Name:</b> BEAR CANYON MINE</p>		<p><b>Date and Time of Inspection:</b>      <b>05/13/2015</b></p>
<p><b>Certified Return Receipt Number:</b> <b>7012346000295596472.</b></p>		<p><b>Date and Time of Service:</b>      <b>06/18/2015</b></p>
<p><b>Nature of condition, practice, or violation:</b>                  The permittee has not placed and stored non-coal waste in a controlled manner in a designated portion of the permit area.</p>		
<p><b>Provisions of Act, regulations, or permit violated:</b>                  R645-301-528.331</p>		
<p><input type="checkbox"/> <b>This order requires Cessation of ALL mining activities. (Check box if appropriate.)</b></p>		
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.	
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.	
<p><input type="checkbox"/> <b>This order requires Cessation of PORTION(S) of mining activities.</b></p>		
<p><b>Mining activities to be ceased immediately:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>		<p><b>Abatement Times (if applicable).</b>                  30 days, no later than Friday, July 17th.</p>
<p><b>Action(s) required:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No                  Remove the non-coal waste from the following areas: The four sediment ponds (A-D), stream buffer zones, outslope of portal pad 3. Ensure that non-coal waste from any other areas within and adjacent to the disturbed area and outslopes of the access road to the #4 portal is properly stored.</p>		
<p><b>Jaren Jorgensen</b>                  (Print) Permittee Representative</p>	<p><b>JOE HELFRICH</b>                  (Print) DOGM Representative</p>	
<p>Permittee Representative's Signature - Date</p>	<p>                  DOGM Representative's Signature - Date</p>	
<p><b>SEE REVERSE SIDE Of This Form For Instructions And Additional Information</b></p>		

 <p><b>UTAH DNR</b> OIL, GAS &amp; MINING</p>	<p><b>Citation for Non-Compliance</b>  <b>Utah Coal Regulatory Program</b>                  1594 West North Temple, Salt Lake City, UT 84114                  Phone: (801) 538-5340 Fax: (801) 359-3940</p>	<p><b>Citation #:</b> <b>19153</b></p>
		<p><b>Permit Number:</b> <b>C0150025</b></p>
		<p><b>Date Issued:</b> <b>06/18/2015</b></p>
<input checked="" type="checkbox"/> <b>NOTICE OF VIOLATION</b>	<input type="checkbox"/> <b>CESSATION ORDER (CO)</b>	<input type="checkbox"/> <b>FAILURE TO ABATE CO</b>
<p><b>Permittee Name:</b> CASTLE VALLEY MINING LLC</p>		<p><b>Inspector Number and ID:</b> 1 JHELFRIC</p>
<p><b>Mine Name:</b> BEAR CANYON MINE</p>		<p><b>Date and Time of Inspection:</b> 05/13/2015</p>
<p><b>Certified Return Receipt Number:</b> 7012346000295596472</p>		<p><b>Date and Time of Service:</b> 06/18/2015</p>
<p><b>Nature of condition, practice, or violation:</b>                  Encroachment of the stream buffer zone at the Bear Canyon mine.</p>		
<p><b>Provisions of Act, regulations, or permit violated:</b>                  R645-301-731.600</p>		
<p><input type="checkbox"/> <b>This order requires Cessation of ALL mining activities. (Check box if appropriate.)</b></p>		
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.	
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.	
<p><input type="checkbox"/> <b>This order requires Cessation of PORTION(S) of mining activities.</b></p>		
<p><b>Mining activities to be ceased immediately:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<p><b>Abatement Times (if applicable).</b></p>
		<p>30 days, no later than 5:00 PM Friday</p>
		<p>July 17th.</p>
<p><b>Action(s) required:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Remove materials from storage areas that have spilled over into the stream buffer area.                  Remove the hoses and or other equipment used to decant pond A to pond B.                  Submit plans for an alternative route to decant pond A into pond B.                  Submit plans for the clean-up of the coal and or coal fines in the buffer zone.                  The plans must be complete and adequate and implemented upon approval.</p>		
<p><b>Jaren Jorgensen</b>                  (Print) Permittee Representative</p>	<p><b>JOE HELFRICH</b>                  (Print) DOGM Representative</p>	
<p>_____                  Permittee Representative's Signature - Date</p>	<p>                  _____                  DOGM Representative's Signature - Date</p>	
<p><b><u>SEE REVERSE SIDE OF This Form For Instructions And Additional Information</u></b></p>		

 <p><b>UTAH DNR</b> OIL, GAS &amp; MINING</p>	<b>Citation for Non-Compliance</b>	<b>Citation #:</b> 19154
	<b>Utah Coal Regulatory Program</b>	<b>Permit Number:</b> C0150025
	1594 West North Temple, Salt Lake City, UT 84114 Phone: (801) 538-5340 Fax: (801) 359-3940	<b>Date Issued:</b> 06/18/2015
<input checked="" type="checkbox"/> <b>NOTICE OF VIOLATION</b>	<input type="checkbox"/> <b>CESSATION ORDER (CO)</b>	<input type="checkbox"/> <b>FAILURE TO ABATE CO</b>
<b>Permittee Name:</b> CASTLE VALLEY MINING LLC	<b>Inspector Number and ID:</b> 1 JHELFRIC	
<b>Mine Name:</b> BEAR CANYON MINE	<b>Date and Time of Inspection:</b> 05/13/2015	
<b>Certified Return Receipt Number:</b> 70123460000295596472	<b>Date and Time of Service:</b> 06/18/2015	
<b>Nature of condition, practice, or violation:</b> The permittee has failed to properly maintain support facilities (overland conveyor from the #3 portal), sediment control structures on the #4 portal access road and undisturbed culvert # C7U so as to prevent contributions of additional suspended solids to the undisturbed drainage adjacent to bear creek and Bear creek.		
<b>Provisions of Act, regulations, or permit violated:</b> R645-301-521.170 R645-301-742.200 R645-301-742.423.2 R645-301-742.423.3		
<input type="checkbox"/> <b>This order requires Cessation of ALL mining activities. (Check box if appropriate.)</b>		
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.	
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.	
<input type="checkbox"/> <b>This order requires Cessation of PORTION(S) of mining activities.</b>		
<b>Mining activities to be ceased immediately:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Abatement Times (if applicable).</b>	
	60 days no later than 5:00 PM Monday	
	August 17th.	
<b>Action(s) required:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Repair the overland conveyor cover system and coal slurry leaks in accordance with the approved MRP. Repair the sediment control structures and eroded embankments on the access road to the #4 portal. Submit plans for the clean-up of coal and coal fine slurry and sediment in the undisturbed drainage adjacent to Bear creek. Plans must be complete and adequate and implemented upon approval.		
<b>Jaren Jorgensen</b> <small>(Print) Permittee Representative</small>	<b>JOE HELFRICH</b> <small>(Print) DOGM Representative</small>	
_____ <small>Permittee Representative's Signature - Date</small>	 <small>DOGM Representative's Signature - Date</small>	
<b>SEE REVERSE SIDE Of This Form For Instructions And Additional Information</b>		

	<b>Action Taken on Existing Citation Utah Coal Regulatory Program</b>	<b>Action on Citation#: 19151</b>
	1594 West North Temple, Salt Lake City, UT 84114 Phone: (801) 538 - 5285 Fax: (801) 359-3940	<b>Permit Number: C0150025</b>
		<b>Date Cit. Issued: 06/18/2015</b>
<input type="checkbox"/> <b>MODIFICATION of</b>	<input type="checkbox"/> <b>TERMINATION of</b>	<input checked="" type="checkbox"/> <b>VACATION of</b>
<input checked="" type="checkbox"/> <b>NOTICE OF VIOLATION</b>	<input type="checkbox"/> <b>CESSATION ORDER (CO)</b>	<input type="checkbox"/> <b>FAILURE TO ABATE CO</b>
<b>Permittee Name: CASTLE VALLEY MINING LLC</b>	<b>Inspector Number and ID: 1 JHELFRIC</b>	
<b>Mine Name: BEAR CANYON MINE</b>	<b>Date and Time of Action: 09/10/2015 8:43 am</b>	
<b>Certified Return Receipt Number:</b>	<b>Date and Time of Service: 09/10/2015 8:43 am</b>	
<i>In accordance with the provisions of the Utah Coal Mining and Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the above referenced Citation is:</i>		
<input type="checkbox"/> <b>Modified as follows:</b>		
<b>Reason for modification:</b>		
<input type="checkbox"/> <b>Terminated because:</b>		
<input checked="" type="checkbox"/> <b>Vacated because:</b> During one of the previous inspections as the newly assigned (as of Dec. 2014) inspector, a site visit with the newly assigned hydrologist (Keenan Storrar) to evaluate the effectiveness of the sediment control structures at the Bear Canyon mine was suggested to Jaren Jorgensen. At the time of the May oversight inspection the Division's inspector and hydrologist had not yet identified conditions that the operator should have attended to in order to avoid a violation. Such was the case in the vacation of NOV 13154. Therefore a violation is not warranted under these circumstances.		
<b>Jaren Jorgensen</b> <small>(Print) Permittee Representative</small>	<b>JOE HELFRICH</b> <small>(Print) DOGM Representative</small>	
_____ <small>Permittee Representative's Signature - Date</small>	 <small>DOGM Representative's Signature - Date</small>	
<b><u>Refer to the "Citation For Non-Compliance" for additional information</u></b>		







<b>I&amp;E Inspection Photos</b>			
Permit:	C0150025	Inspection Date:	3/3/2016
Permittee:	CASTLE VALLEY MINING LLC		



Notes:

Portal 4 area ASCA not maintained. Stockpile material prevents positive flow. This issue was noted in 2015 as well.

Photo ID: 25805  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject:	ASCA
Mine Name:	BEAR CANYON



Notes:

Newly reconstructed ASCA

Photo ID: 25806  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject:	ASCA
Mine Name:	BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC




**Notes:**

Inlet side of culvert at roadside ASCA is 100 percent buried.

Photo ID: 25807  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: **CULVERT**

Mine Name: **BEAR CANYON**



**Notes:**

Newly reconstructed ASCA.  
 NOTE: Drainage has not been graded to ensure positive flow.

Photo ID: 25808  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: **ASCA**

Mine Name: **BEAR CANYON**

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



Notes:

Improper installation of BMP.  
NOTE: Hay-bales should be installed where banding is not making contact with the surface to ensure intended function and design are achieved.

Photo ID: 25809  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: ASCA

Mine Name: BEAR CANYON



Notes:

Culvert inlet at roadside ASCA is 100 percent buried.

Photo ID: 25810  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: ASCA

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Culvert inlet at roadside ASCA is 100 percent buried.

Photo ID: 25811  
Photographer: SMUSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: ROADSIDE ASCA/DRAINAGE

Mine Name: BEAR CANYON



**Notes:**

Dilapidated SM fence within stream buffer zone along portal access road.

Photo ID: 25812  
Photographer: SMUSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: ASCA

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC




**Notes**

Improper installation and failure to maintain siltation structure.  
 NOTE: This BMP is within the stream buffer zone.

Photo ID: 25813  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: ASCA

Mine Name: BEAR CANYON



**Notes:**

Failure to maintain BMP.  
 NOTE This BMP is within the stream buffer zone.

Photo ID: 25814  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: SEDIMENT CONTROL

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Failure to maintain BMP-Culvert is becoming blocked by woody debris.

Photo ID: 25815

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: DRAINAGE/SEDIMENT CONTROL

Mine Name: BEAR CANYON



**Notes:**

Culvert inlet at roadside ASCA is 100 percent buried.

Photo ID: 25816

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: CULVERT/ASCA

Mine Name: BEAR CANYON

I&E Inspection Photos

Permit: C0150025 Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



Notes:

Inlet culvert adjacent to grease trap at welding shop pad has clogged and created sump.

Photo ID: 25817

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: CULVERT

Mine Name: BEAR CANYON



Notes:

Culvert outlet down gradient of grease trap clogged.

Photo ID: 25818

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: CULVERT

Mine Name: BEAR CANYON

I&E Inspection Photos

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



Notes:

Berm has eroded due to a failure to maintain clogged culverts and grease trap holding capacity at welding shop pad area.

Photo ID: 25819

Photographer: SMWJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: EROSION

Mine Name: BEAR CANYON



Notes:

Grease trap with picture of erosion.

Photo ID: 25820

Photographer: SMWJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: GREASE TRAP

Mine Name: BEAR CANYON

I&E Inspection Photos

Permit: C0150025      Inspection Date: 3/3/2016  
Permittee: CASTLE VALLEY MINING LLC



Notes:

Noncoal waste and debris in drainage just below erosional feature at welding shop pad area.

Photo ID: 25821

Photographer: SMVSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE  
Mine Name: BEAR CANYON



Notes:

Containers near portal 4

Photo ID: 25822

Photographer: SMVSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE  
Mine Name: BEAR CANYON

I&E Inspection Photos

Permit: C0150025 Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



Notes:

Noncoal waste piled up at welding shop pad area.

Photo ID: 25823

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON



Notes:

Litter in roadside drainage.

Photo ID: 25824

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: CG150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Litter in drainage below pond A spillway. Note: This is approximately 100 feet from where drainage enters undisturbed Bear Creek drainage.

Photo ID: 25825

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON



**Notes:**

Brick and other trash items in drainage along pond A access road.

Photo ID: 25826

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC




**Notes:**

Old car parts within stream buffer zone

Photo ID: 25827

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON



**Notes:**

Trash items in pond A

Photo ID: 25828

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC




**Notes:**

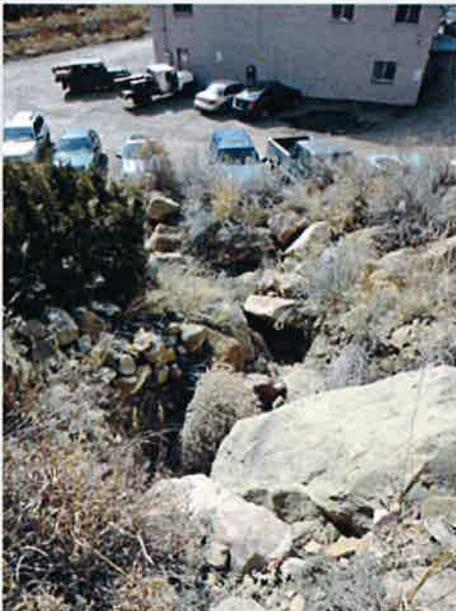
Inlet to pond has not been maintained/designed in accordance with approved permit.

Metal and wood items located in and around pond B. NOTE: This was identified during 2015 inspection as well.

Photo ID: 25829  
 Photographer: SMUSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: **SEDIMENT POND B**

Mine Name: **BEAR CANYON**



**Notes:**

Erosion at spillway of pond A.

Photo ID: 25831  
 Photographer: SMUSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: **POND A**

Mine Name: **BEAR CANYON**

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Excessive sediment creating a paving effect at pond A inlet. This was noted in the 2015 inspection report.

Photo ID: 25834

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: POND A INLET

Mine Name: BEAR CANYON



**Notes:**

Excessive sediment deposition at pond inlet and erosion of embankment.

Photo ID: 25836

Photographer: SMUSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: POND A

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Cable spool on pond A embankment.

Photo ID: 25837

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: NONCOAL WASTE

Mine Name: BEAR CANYON



**Notes:**

Noncoal waste being stored on pond D embankment. Pond embankment not maintained properly.

Photo ID: 25838

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: POND D

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025

Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Inlet to the pond has not been designed/maintained as required. NOTE: This was identified in 2015 inspection report.

Photo ID: 25839

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: POND D

Mine Name: BEAR CANYON



**Notes:**

Bear Creek by-pass drainage at pond D is clogged and has not been maintained.

Photo ID: 25840

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: DRAINAGE

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Drainage culvert has not been maintained.

Photo ID: 25841

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: CULVERT

Mine Name: BEAR CANYON



**Notes:**

This picture depicts a clogged culvert that was identified during the 2015 inspection along the access road to pond A and load out facility.

Photo ID: 25842

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 39.40077278

Longitude: -111.08445083

Subject: DRAINAGE CULVERT

Mine Name: BEAR CANYON

**I&E Inspection Photos**  
Permit: C0150025      Inspection Date: 3/3/2016  
Permittee: CASTLE VALLEY MINING LLC



Notes:  
This picture depicts the same clogged culvert during the 2016 inspection along the access road to pond A and load out facility.

Photo ID: 25843  
Photographer: SMUSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.0000000  
Longitude: 0.0000000

Subject: CULVERT/DRAINAGE  
Mine Name: BEAR CANYON



Notes:  
Coal fine deposition in undisturbed drainage.

Photo ID: 25846  
Photographer: SMUSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.0000000  
Longitude: 0.0000000

Subject: STREAM BUFFER ZONE  
Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025 Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Encroachment of stream buffer zone along access road to Pond A. NOTE: This is directly below the welding shop pad area where berm has eroded.

Photo ID: 25847

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: STREAM BUFFER ZONE

Mine Name: BEAR CANYON



**Notes:**

Failure to implement/maintain adequate BMP along access road and stream buffer zone.

Photo ID: 25848

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: STREAM BUFFER ZONE

Mine Name: BEAR CANYON

**I&E Inspection Photos**  
Permit: C0150025      Inspection Date: 3/3/2016  
Permittee: CASTLE VALLEY MINING LLC



Notes:  
Coal in undisturbed area of stream buffer zone.

Photo ID: 25849  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: STREAM BUFFER ZONE  
Mine Name: BEAR CANYON



Notes:  
Foot path constructed through the stream buffer zone between welding shop area and electrical shop.

Photo ID: 25850  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: STREAM BUFFER ZONE  
Mine Name: BEAR CANYON

**I&E Inspection Photos**  
Permit: C0150025      Inspection Date: 3/3/2016  
Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Coal deposition in stream buffer zone area beneath overland conveyor.

Photo ID: 25853  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: **STREAM BUFFER ZONE**  
Mine Name: **BEAR CANYON**



**Notes:**

Stream buffer zone sign not easily noticed.

Photo ID: 25860  
Photographer: SMJSHUMATE  
Date Taken: 3/3/2016  
State: UT  
County: EMERY  
Latitude: 0.00000000  
Longitude: 0.00000000

Subject: **SIGNS/MARKERS**  
Mine Name: **BEAR CANYON**

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Stream buffer zone sign positioned in a location that is easily observed.

Photo ID: 25863  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: SIGNS/MARKERS  
 Mine Name: BEAR CANYON



**Notes:**

Stream Buffer Zone is facing the wrong direction.

Photo ID: 25864  
 Photographer: SMJSHUMATE  
 Date Taken: 3/3/2016  
 State: UT  
 County: EMERY  
 Latitude: 0.00000000  
 Longitude: 0.00000000

Subject: SIGNS/MARKERS  
 Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025 Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Failure to maintain/implement adequate BMP's to ensure disturbed area drainage doesn't co-mingle with undisturbed drainage.

Photo ID: 25865

Photographer: SMWJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: STREAM BUFFER ZONE-ENCROACHMENT

Mine Name: BEAR CANYON



**Notes:**

Noncoal waste in diversion near welding shop area  
Failure to maintain diversions.

Photo ID: 25866

Photographer: SMWJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: DIVERSION

Mine Name: BEAR CANYON

<b>I&amp;E Inspection Photos</b>		
Permit: C0150025	Inspection Date: 3/3/2016	
Permittee: CASTLE VALLEY MINING LLC		
	<p>Notes:</p> <div style="border: 1px solid black; padding: 5px; min-height: 150px;"> <p>Failure to maintain diversions</p> </div>	
<p>Photo ID: 25867</p> <p>Photographer: SMJSHUMATE</p> <p>Date Taken: 3/3/2016</p> <p>State: UT</p> <p>County: EMERY</p> <p>Latitude: 0.00000000</p> <p>Longitude: 0.00000000</p>		
Subject: DIVERSION		
Mine Name: BEAR CANYON		
	<p>Notes:</p> <div style="border: 1px solid black; padding: 5px; min-height: 150px;"> <p>Electrical wire/cable hanging down in the diversion ditch behind welding shop area.</p> </div>	
<p>Photo ID: 25868</p> <p>Photographer: SMJSHUMATE</p> <p>Date Taken: 3/3/2016</p> <p>State: UT</p> <p>County: EMERY</p> <p>Latitude: 0.00000000</p> <p>Longitude: 0.00000000</p>		
Subject: DIVERSION		
Mine Name: BEAR CANYON		

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Loose side panels on overland conveyor contributing to coal deposition in undisturbed drainage.

Photo ID: 25871

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: FACILITIES

Mine Name: BEAR CANYON



**Notes:**

Loose and missing side panel.

Photo ID: 25872

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: FACILITIES

Mine Name: BEAR CANYON

**I&E Inspection Photos**

Permit: C0150025      Inspection Date: 3/3/2016

Permittee: CASTLE VALLEY MINING LLC



**Notes:**

Coal in undisturbed area via overland conveyor.

Photo ID: 25874

Photographer: SMJSHUMATE

Date Taken: 3/3/2016

State: UT

County: EMERY

Latitude: 0.00000000

Longitude: 0.00000000

Subject: FACILITIES

Mine Name: BEAR CANYON