



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

June 21, 2017

Tony Welch, Resident Agent
Castle Valley Mining, LLC
2352 N. 7th Street, Unit B
Grand Junction, Colorado 81501

Subject: Fine Payment Required for NOV #19152, Castle Valley Mining, LLC, Bear Canyon Mine, Task ID #4939

Dear Mr. Welch:

A review of records of the Division of Oil, Gas and Mining shows that the fine in the amount of \$220 for the referenced violation NOV#19152 has not yet been paid. The final assessment was sent April 6, 2016 (copy enclosed). The timeframe to appeal either the fact of this violation or the amount of the assessed fine has lapsed, and the amount assessed is considered final.

Please remit the total payment by June 30, 2017. If you believe the Division records are in error and that you have paid this fine, please provide evidence of the payment, such as a copy of the cancelled check, before the due date.

Failure to pay the assessed fine may result in interest being charged at the rate established quarterly by the U.S. Department of the Treasury or referring the amount due to the Utah Attorney General for appropriate collection action.

If you have any questions, please feel free to call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
Enclosure
cc: Jaren Jorgenson
O:\015025.BCN\WG4939 N19152\Final Payment Required.doc





**Action Taken on Existing Citation
Utah Coal Regulatory Program**

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538 - 5285 Fax: (801) 359-3940

Action on Citation#: **19152**
Permit Number: **C0150025**
Date Cit. Issued: **06/18/2015**

<input checked="" type="checkbox"/> MODIFICATION of	<input type="checkbox"/> TERMINATION of	<input type="checkbox"/> VACATION of
<input checked="" type="checkbox"/> NOTICE OF VIOLATION	<input type="checkbox"/> CESSATION ORDER (CO)	<input type="checkbox"/> FAILURE TO ABATE CO

Permittee Name: CASTLE VALLEY MINING LLC	Inspector Number and ID: 28	DHaddock
Mine Name: BEAR CANYON MINE	Date and Time of Action: 04/06/2016	
Certified Return Receipt Number:	Date and Time of Service: 04/06/2016	

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:

Modified as follows:
This NOV although vacated on 9/10/2015, is hereby reinstated. All rights of appeal and for requesting conferences or hearings are also reinstated. The proposed assessment is also reinstated.

Reason for modification:

In response to an oversight inspection and associated TDN the Division has further reviewed this action and conducted its own inspection and determined that the NOV was inappropriately vacated. A number of noncoal waste items were identified in the March 3, 2016 inspection that had not been properly stored or disposed of.

Terminated because:

Vacated because:

_____	Daron Haddock
(Print) Permittee Representative	(Print) DOGM Representative
_____	<i>Daron Haddock</i> 4/6/16
Permittee Representative's Signature - Date	DOGM Representative's Signature - Date

Refer to the "Citation For Non-Compliance" for additional information



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July 29, 2015

CERTIFIED RETURN RECEIPT
7012 3460 0002 9559 6571

Castle Valley Mining, LLC
Jaren Jorgensen
P. O. Box 475
Huntington, Utah 84528

Subject: Proposed Assessments for State Violation No. N 19151, Task ID #4938; No. N 19152, Task ID #4939; No. N 19153, Task ID #4940; No. N 19154, Task ID #4941; Bear Canyon Mine, C/015/0025

Dear Mr. Jorgensen:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed are the proposed civil penalty assessments for the above referenced violations. The violations were issued by Division Inspector, Joe Helfrich, on June 18, 2015. Rule R645-401-600 et. seq. has been utilized to formulate the proposed penalty(ies). By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of these Notices of Violation has been considered in determining the facts surrounding the violations and the amount of penalty(ies).

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of any of the referenced violations, you should file a written request for an Informal Conference within thirty (30) days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty(ies).

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Suzanne Steab.

Sincerely,



Daron R. Haddock
Assessment Officer

Enclosure

cc: OSM Compliance Report
Suzanne Steab, DOGM

O:\015025.BCN\WG4938 N19151\PROPOSED ASSESSMENT.DOC

Environmental harm.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 2

PROVIDE AN EXPLANATION OF POINTS:

******According to the information in the inspector statement, non-coal waste had accumulated within the boundary of the permit area and in ponds, stream buffer zones and undisturbed drainages. The inspector indicated that the event had not occurred and was unlikely to occur.***

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 3

PROVIDE AN EXPLANATION OF POINTS:

****** According to the information in the inspector statement, no damage occurred as a result of the violation and the potential for damage was unlikely. Thus points are assigned in the lower end of the range.***

B. HINDRANCE VIOLATION (Max 25 pts.)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? Actual
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS NA

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 5

III. NEGLIGENCE (Max 30 pts.)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE --- Negligence

ASSIGN NEGLIGENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS:

***** According to the information in the inspector statement, the violation was the result of indifference to DOGM regulations. The Operator did not exercise reasonable care to handle the non-coal waste. Points are assigned in the lower end of the ordinary negligence range.**

IV. GOOD FAITH (Max 20 pts.)

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?

IF SO--EASY ABATEMENT

Easy Abatement Situation

X	Immediate Compliance	-11 to -20*
	(Immediately following the issuance of the NOV)	
X	Rapid Compliance	-1 to -10
	(Permittee used diligence to abate the violation)	
X	Normal Compliance	0
	(Operator complied within the abatement period required)	
	(Operator complied with condition and/or terms of approved Mining and Reclamation Plan)	

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- | | | |
|---|---|-------------|
| X | Rapid Compliance | -11 to -20* |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | -1 to -10* |
| | (Operator complied within the abatement period required) | |
| X | Extended Compliance | 0 |
| | (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) | |
| | (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan) | |

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

*****Good faith will be evaluated upon termination of the violation**

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION # **N 19152**

I.	TOTAL HISTORY POINTS	_____
II.	TOTAL SERIOUSNESS POINTS	<u>5</u>
III.	TOTAL NEGLIGENCE POINTS	<u>5</u>
IV.	TOTAL GOOD FAITH POINTS	_____ to be determined later.
	TOTAL ASSESSED POINTS	<u>10</u>
	TOTAL ASSESSED FINE	<u>\$ 220</u>