



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

September 9, 2019

Jaron Jorgensen  
P.O. Box 475  
Huntington, Utah 84528

Subject: Final Assessments for NOVs 19151, 19154 and 21171 Castle Valley Mining LLC, C/015/0025

Dear Mr. Jorgensen:

On June 3, 2016 an Informal Assessment Conference was held at the Division of Oil, Gas and Mining regarding 3 violations Issued to Castle Valley Mining LLC (Castle Valley) at the Bear Canyon Mine. As a result of the facts given at the conference, I have reduced the assessed fines as explained on the attached sheets.

Within fifteen (15) days of your receipt of this finding, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalties with the Division within thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty of \$792.00 must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division of Oil, Gas and Mining, c/o Vickie Southwick at 1594 West North Temple, Suite 1210, Salt Lake City, UT 84116

Sincerely,

Dana Dean, P.E.  
Deputy Director  
Assessment Conference Officer

DD/vs  
cc: ogmcoal@utah.gov  
P:\GROUPS\COAL\WP\015025.BCN\Assessment conf letter191511915421171.docx

1594 West North Temple, Suite 1210, Salt Lake City, UT 84116  
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UTAH DIVISION OF OIL, GAS AND MINING  
WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES

COMPANY: Castle Valley Mining, LLC  
PERMIT: C/015/0025  
VIOLATION: NO21171  
DATE: September 6, 2019

ASSESSMENT CONFERENCE OFFICER: Dana Dean

	Proposed Assessment	Final Assessment
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness	<u>33</u>	<u>20</u>
(3) Negligence	<u>10</u>	<u>10</u>
(4) Good Faith	<u>0</u>	<u>-10</u>
Total Points	<u>43</u>	<u>20</u>

TOTAL ASSESSED FINE \$440.00

**Explanation:**

Reduction of seriousness points as follows:

Though this was a lot of coal that took some time to clean up, water monitoring data showed no offsite impact from the spill.

Addition of good faith points as follows:

This was a difficult abatement, requiring original manufacturing of panels to place on the conveyor. The company did that as quickly as possible and once they took the cleanup away from a contractor and into their own control the pile was cleaned quickly.

UTAH DIVISION OF OIL, GAS AND MINING  
WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES

COMPANY: Castle Valley Mining, LLC  
PERMIT: C/015/0025  
VIOLATION: NO19151  
DATE: September 6, 2019

ASSESSMENT CONFERENCE OFFICER: Dana Dean

	Proposed Assessment	Final Assessment
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness	<u>9</u>	<u>4</u>
(3) Negligence	<u>7</u>	<u>4</u>
(4) Good Faith	<u>0</u>	<u>0</u>
Total Points	<u>16</u>	<u>8</u>

TOTAL ASSESSED FINE \$176.00

**Explanation:**

Reduction of seriousness points as follows:

Probability of occurrence from 9 to 4 because the pond continued working and water monitoring data did not show any impacts to either during this time.

Reduction of negligence points from 7 to 4 because of communication errors on behalf of the Division.

UTAH DIVISION OF OIL, GAS AND MINING  
WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES

COMPANY: Castle Valley Mining, LLC  
 PERMIT: C/015/0025  
 VIOLATION: NO19154  
 DATE: September 6, 2019

ASSESSMENT CONFERENCE OFFICER: Dana Dean

		Proposed Assessment	Final Assessment
(1)	History/Previous Violations	<u>0</u>	<u>0</u>
(2)	Seriousness	<u>23</u>	<u>4</u>
(3)	Negligence	<u>7</u>	<u>4</u>
(4)	Good Faith	<u>0</u>	<u>0</u>
Total Points		<u>30</u>	<u>8</u>

TOTAL ASSESSED FINE \$176.00

**Explanation:**

Reduction of seriousness points as follows:

Probability of occurrence from 15 (likely) to 4 (insignificant) because the likelihood of any extra sediment from this straw bale reaching Bear Creek or Huntington Creek was highly unlikely and water monitoring data did not show any impacts to either during this time.

Reduction of negligence points from 7 to 4 because of communication errors on behalf of the Division.