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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

October 12, 2017

Kyle Edwards, Resident Agent  
BRC Wellington, LLC  
P.O. Box 401  
Wellington, Utah 84542

Subject: Final Revocation of Conditional Approval of Application for Permitting the Deer Creek Waste Rock Site, BRC Wellington, LLC, C/015/0035, Task #4966

Dear Mr. Edwards:

The Division conditionally approved the BRC Wellington permit for the Deer Creek Waste Rock Site on August 11, 2016. At the time the Division required posting of bond and passing an AVS check in order to complete the process and to issue a permit (under R645-303.340). To date no bond has been posted, and as of today BRC Wellington, LLC has several associated holds in the Office of Surface Mining's Applicant Violator System.

The Division notified you in May that if we did not receive the final information to complete the permit approval we would then revoke the conditional approval and require the Permittee to reclaim the site as soon as practicable. That requirement was generously extended by the Division to July 14, 2017 and finally to August 14, 2017. This date is well passed. By this letter, pursuant to R645-303-350, I am officially revoking the conditional approval of the Bowie Waste Rock Site. Although R645-303-310 allows a prospective successor to operate during the pendency of an application, the time for such discretion has met its limits. You have not met the requirements of R645-303-340.

The Division will be sending a similar letter to the current permittee of the site, requiring reclamation as soon as practicable. This decision is subject to appeal to the Board of Oil, Gas and Mining and you may file a request pursuant to R645-130-200 within 30 days of this notification.

If you have any questions, please call me at (801) 538-5320.

Sincerely,

Dana Dean, P.E.  
Associate Director

DD/ss

cc: Richard White, Earthfax

Dennis Oakley, PacifiCorp

Karl Houskeeper, DOGM

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