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

November 2, 2018

Tony Welch, Resident Agent
Castle Valley Mining, LLC
P.O. Box 475
Huntington, Utah 84528

Subject: Decision Document and Application Approval, Castle Valley Mining, LLC, Castle Valley Waste Rock Site, C/015/0036, Task #5721

Dear Mr. Welch:

The Decision Document and "Proposed Permit" for the Castle Valley Waste Rock Site are enclosed. The Division has made a decision to approve your application with conditions. Please note the conditions attached to the proposed permit. Once the permit is issued, Castle Valley Mining, LLC will be required to adhere to the permit requirements and conditions.

Issuance of the actual permit is pending the posting of the reclamation bond and updated certificate of insurance along with the reclamation agreement. Please contact Suzanne Steab at (801) 538-5265 for the necessary paperwork to complete this requirement.

At this time, please submit 2 bound clean copies of the permit application. A copy of your approved (stamped incorporated) Operation and Reclamation Plan will be returned to you for your records. If you have any questions, please call me at (801) 538-5334 or Daron Haddock, Coal Program Manager at (801) 538-5325.

Sincerely,

John R. Baza
Director

JRB/DRH/sqs
Enclosure
cc: Howard Strand, OSM
Ken Fleck, PacifiCorp
O:\015036.CVWR\PERMIT\2018 New\Application Approval.doc

UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT
For
PERMIT

Castle Valley Mining, LLC
Castle Valley Waste Rock Site
C/015/0036
Emery County, Utah

November 2, 2018

* Administrative Overview
* Permitting Chronology
* Findings
* Permit
* Location Map
* Determination of Completeness
* Technical Analysis dated November 2, 2018
* AVS Recommendation dated November 2, 2018
* Affidavit of Publication
* Insurance Certificate

ADMINISTRATIVE OVERVIEW

Castle Valley Mining, LLC
Castle Valley Waste Rock Site
C/015/0036
Emery County, Utah

November 2, 2018

PROPOSAL

Castle Valley Mining, LLC submitted a permit application on July 5, 2018 to operate the existing Deer Creek Waste Rock Site previously permitted under the Deer Creek Mine permit. This application is being made to provide a standalone permit that will be held under Castle Valley Mining, LLC and will be permitted under the name Castle Valley Waste Rock Site.

BACKGROUND

The waste rock site was first permitted for use on September 13, 1988 by the Division of Oil, Gas and Mining (the "Division"). The original permit was issued to Utah Power and Light Company for disposal of waste rock generated at the Deer Creek Mine. The Deer Creek waste rock site has since been purchased by Castle Valley Mining, LLC for disposal of waste rock generated at the Bear Canyon Mine. The site is located in sections 5 and 6, Township 17 South, Range 8 East, SLBM, immediately north of State Route 31 approximately 6 miles northwest of Huntington, Utah.

RECOMMENDATION

All of the information submitted by Castle Valley Mining, LLC has been found adequate to approve the application of the Castle Valley Waste Rock Site. This permitting action was published in the Emery County Progress on July 31, August 7, 14, and 21, 2018. No comments were received.

PERMITTING CHRONOLOGY

Castle Valley Mining, LLC
Castle Valley Waste Rock Site
C/015/0036
Emery County, Utah

November 2, 2018

July 5, 2018	Castle Valley Mining, LLC submits a permit application to the Division regarding plans to operate the Deer Creek waste rock site.
July 27, 2018	The Division determines the application to be administratively complete.
July 27, 2018	The Division notifies Federal, State and local agencies of the permit application.
July 31, August 7, 14, and 21, 2018	Castle Valley Mining, LLC published in Notice of Permit Application in the Emery County Progress for four consecutive weeks.
September 28, 2018 October 23, 2018 October 25, 2018	Castle Valley Mining, LLC submits supplemental information in order to complete the application process.
November 2, 2018	The Division approves the permit application.

FINDINGS

Castle Valley Mining, LLC
Castle Valley Waste Rock Site
C/015/0036
Emery County, Utah

November 2, 2018

1. The permit application for the Castle Valley Waste Rock Site is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, and the approved Utah State Program (the "Act") are in compliance. See Technical Analysis dated November 2, 2018 (R645-300-133.100)

2. The applicant proposes acceptable practices for the reclamation of disturbed lands. The Division has determined that reclamation, as required by the Act can be feasibly accomplished following the approved plan with the attached permit condition. The site will primarily be returned to its pre-mining land use as wildlife habitat. (R645-300-133.710)

3. An assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been conducted by the Division and no significant impacts were identified. The Mining and Reclamation Plan (MRP) proposed under the revised application has been designed to prevent damage to the hydrologic balance in the permit area and in associated off-site area (R645-300-133.400 and UCA 40-10-11 (2)(c).

4. The proposed lands to be included within the permit area are:

    a. not included with an area designated unsuitable for underground coal mining operation (R645-300-133.210);
    b. not within an area under study for designated land unsuitable for underground coal mining operations (R645-300-133.210);
    c. not on any lands subject to the prohibitions or limitation of 30 CFR 761.11 {a} (national parks, etc), 761.11 {f} (public buildings, etc.) and 761.11 {g} (cemeteries);
    d. is within 100 feet of a public road, however public notice and opportunity for a public hearing were provided in the newspaper notice, to determine whether the interests of the public were protected. No requests for a hearing were received (R645-300-133.220); and
    e. not within 300 feet of any occupied dwelling (R645-300-133.220)

5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973. See Technical Analysis dated November 2, 2018 (16 USC 1531 et seq.) (R645-300-133.500).

6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See Technical Analysis dated November 2, 2018. (R645-300-133.600)

7. The site is located on lands that are entirely owned by Castle Valley Mining, LLC. Hence, no other right of entry is required. (R645-300-133.300)

8. A 510(c) report has been run on the Applicant Violator System (AVS), which shows that neither Castle Valley Mining, LLC nor any affiliated company are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (A 510 (c) report was run on November 2, 2018, see memo to file dated November 2, 2018 (R645-300-133.730)

9. The operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area.

10. The applicant has provided a cost estimate for reclamation of the disturbance associated with the waste rock site. Prior to the permit being issued, the Applicant will file with the Division a bond covering the identified increment of land within the permit area upon which the operator will conduct coal mining and reclamation operations. (R645-300-134, R645-301-820).

11. No lands designated as prime farmlands or alluvial valley floors occur on the permit area. See Technical Analysis dated November 2, 2018 (R645-302-313.100 and R645-302-321.100)

12. The proposed post-mining land-use of the disturbed area is the same as the pre-mining land use and has been approved by the Division.

13. The Division has made all specific approvals required by the Act, the Cooperative Agreement.

14. All procedures for public participation required by the Act, and the approved Utah State Program are in compliance. The public advertisement was published on July 31, August 7, 14, and 21, 2018 in the Emery County Progress (R645-300-120)

15. The applicant has demonstrated that all existing structures will comply with the applicable performance standards. See Technical Analysis dated November 2, 2018. (R645-300-133.720)

16. Castle Valley Mining, LLC agrees to pay all reclamation fees as required by 30 CFR Part 870. (R645-300-133.730)

Aaron R. Haddock

Permit Supervisor

Associate Director of Mining

Director

NON-FEDERAL **PERMIT** **November 2, 2018**
C/015/0036

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, C/015/0036, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Castle Valley Mining, LLC
P.O. Box 475
Huntington, Utah 84526
(801) 687-5454

for the Castle Valley Waste Rock Site. A surety bond is filed with the DOGM in the amount of $821,000.00, payable to the state of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

Sec. 1 **STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 **PERMIT AREA** - The permittee is authorized to conduct reclamation operations on the following described lands as described in the approved application, situated in the state of Utah, Emery County:

Township 17 South, Range 8, East, SLB&M Emery County, Utah

Section 6: Beginning at the Northeast corner of Section 6, Township 17 South, Range 8 East, SLB&M, and running thence S 89°52'00" W, 1272.00 feet along Section line; thence S 00°08'00" W, 610.00 feet; thence S 83°28'43" E, 302.04 feet; thence S 72°54'35" E, 314.08 feet; thence S 63°06'41" E, 224.51 feet; thence S 48°18'17" E, 268.40 feet; thence S 20°06'29" W, 1066.85 feet; thence S 39°24;03" W, 846.37 feet, more or less to the Northerly right-of-way of SR-31; thence N 89°39'06" E, 139.42 feet along said right-of-way; thence N 43°39'42" E, 1520.19 feet; thence N 31°02'18" E, 412.96 feet; thence N 22°58'45" E, 1322.25 feet to the North line of Section 5, Township 17 South, Range 8 East, SLB&M; thence 89°44'10" W, 744.58 feet along Section line to the point of beginning. Containing 49.05 acres more or less.

PROPOSED

The permittee is authorized to conduct reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

Sec. 3 **COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 **PERMIT TERM** - This permit expires on November 2, 2023. (5 year term).

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.

Sec. 6 **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

A. have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

Sec. 7 **SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 **ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;

B. immediate implementation of measures necessary to comply; and

C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 **DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to

PROPOSED

the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 10 **CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 11 **EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-3023 for compliance, modification, or abandonment of existing structures.

Sec. 12 **RECLAMATION FEE PAYMENT** - The operator shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 **AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 14 **COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 15 **PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 16 **CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec. 17 **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.

Sec. 18 **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

PROPOSED

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: _____

Date: _____

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

_____

Authorized Representative of the Permittee

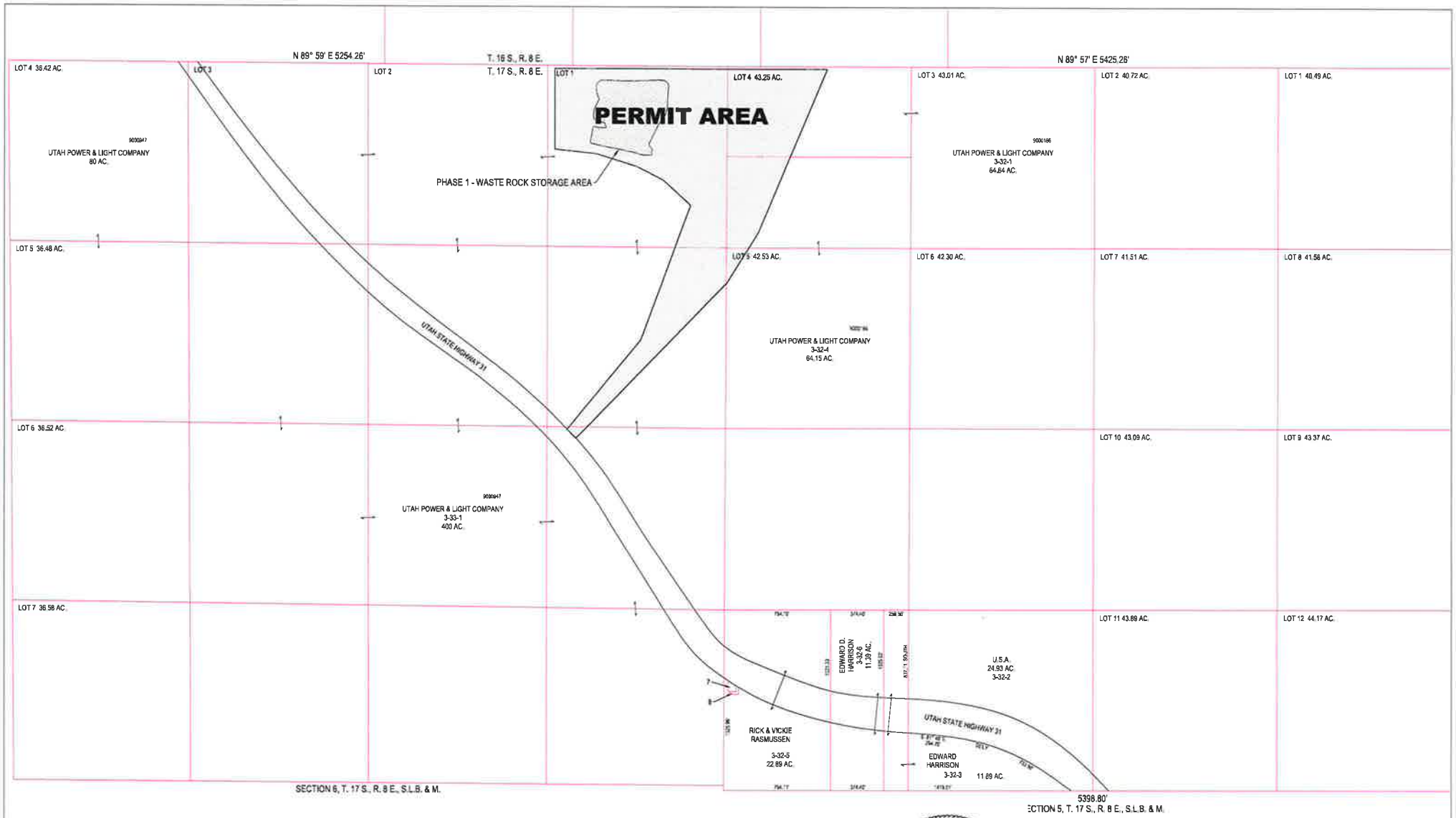
Date: _____

PROPOSED

ATTACHMENT A
SPECIAL CONDITION

1. Castle Valley Mining, LLC will submit water quality data for the Castle Valley Waste Rock Site in an electronic format through the Electronic Data Input web site, http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi.

PROPOSED



PROFESSIONAL ENGINEER
No. 22-150267-2208
J. THOMAS PALUSO
7/3/18
STATE OF UTAH

RHINO

Castle Valley Mining LLC

WASTE ROCK STORAGE FACILITY
DOGM PERMIT#

TITLE: *SURFACE AND SUBSURFACE OWNERSHIP*	
SCALE: 1"=300'	DATE: 6-26-2018
DRAWN BY: J. JORGENSEN	PLATE: 1-1

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

July 27, 2018

Tony Welch, Resident Agent
Castle Valley Mining, LLC
P.O. Box 475
Huntington, Utah 84528

Subject: Determination of Administrative Completeness, Castle Valley Waste Rock Site, Castle Valley Mining, LLC, C/015/0036, Task #5721

Dear Mr. Welch:

The Division has completed a review of the information you submitted on July 5, 2018 for permitting the Castle Valley Waste Rock site. This application is considered to be administratively complete. A copy of our review worksheet is enclosed for your information and records.

A technical review of your plan has been initiated. Technical deficiencies will be forwarded to you as reviews are completed. The Division will also coordinate with other agencies and incorporate their comments into our review process. Issues raised will need to be resolved prior to permit issuance.

At this time you should publish a Notice of Complete Application for adding Castle Valley Waste Rock site as a separate mining operation as required by R645-300-121. A copy of the publication affidavit should be sent to the Division as soon as it is available. You should also insure that a copy of the application is on file at the appropriate County Courthouse. The Division will complete a technical analysis, which must find that your application is technically complete. We anticipate that additional information may be necessary to make your application technically complete and look forward to working with you throughout the permitting process.

Please call if you have any questions. Thank you for your help in the permitting process.

Sincerely,

Daron R. Haddock

Daron R. Haddock
Coal Program Manager

DRH/sqs
Enclosure
O:\015036.CVWR\WG5721 APPLICATION\ADMCOMP.DOC

1594 West North Temple, Suite 1210, Salt Lake City, UT 84116
PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • *www.ogm.utah.gov*

UTAH DNR OIL, GAS & MINING

ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET
(R645-100)

DATE: July 27, 2018

REVIEWER(S): Suzanne Steab, Joe Helfrich, Keenan Storrar, Daron Haddock, Justin Eatchel, Priscilla Burton

APPLICANT: Castle Valley Mining, LLC

MINE NAME: Castle Valley Waste Rock **FILE NO.:** C/015/0036

"Administratively Complete Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

Directions: **The categories listed below correspond to the minimum requirements for information necessary to initiate processing and public review. If a category is checked the Applicant has met the Completeness requirement for that category. If a category is not checked, the Completeness requirements have not been met. If a category is Not Applicable, enter NA in check box. The comments column will identify the deficiency and what is necessary to correct it.**

			Comments
301-112	Identification of Interests	X	
100	Applicant's Business Structure	X	
210	Applicant's Name/Address/Phone	X	
220	Resident Agent's Name/Address/Phone	X	
230	Name/Address/Phone of AML Fees Payer	X	
300	Corporate Structure & Ownership	X	
400	Identify Other Mining Operations in US	X	
500	Surface & Mineral Ownership	X	
600	Ownership Contiguous to Permit	X	
700	MSHA Numbers	X	
800	Interest in Contiguous Lands	X	

301-113	Violation Information	X	
100	AVS Violation Evaluation	NA	
200	Suspension or Revocation Information	X	
300	List of Violations - **3 Previous Years**	X	One violation has been issued within the last three years, # 21177, it has been terminated effective 9/22/2016.

301-114	Right of Entry	X	The application incorrectly identifies DOGM permit #0070045 on page 1-4. The application incorrectly identifies the legal description of the permit area on p. 1-8. i.e. It should read Beginning at the Northeast corner of Section 6. These errors should be corrected before public notice. A temporary right of entry agreement between Pacificorp and Castle Valley Mining LLC is included in App. 1-1 of the application.. The effective date is 6/11/2018.

301-115	Status of Unsuitability Claims	X	There are no unsuitability claims on this site. It is currently permitted as a waste rock site by PacifiCorp.

301-116	Permit Term	X	The permit will be issued for a term of five years with right of successive renewal.

301-117	Insurance	X	A certificate of Liability Insurance is included in the application. It is valid through 6/1/2019
	Proof of Publication	X	Change purchase from to permit the (paragraph 2 line 5) and add the Emery County Recorders office to the list of locations.
	Facilities and Structures Used in Common	NA	

301-118	Filing Fee	X	The $5 filing fee for new permit has been paid.

301-123	Notarized Signature of Responsible Official	X	Tony Welch is the responsible Official, the application will need to include a notarized signature.

301-130	Information Collection: **Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data - Dates of Collections - and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data**	X	•Richard B. White, P.E. - President/Civil Environmental Engineer EarthFax Engineering Group, LLC (engineering, soils, hydrology, bonding, alluvial valley •Patrick Collins, Ph.D.- President, Mt. Nebo Scientific, Inc. (vegetation) •Val Payne- Wildlife Biologist, Utah Power and Light Company (wildlife)

301-200	Soils	X	
211	Description of Pre-mining Soil Resources	X	Appendix 2-2
221	Prime Farmland Investigation	X	None present, Section 223.
222	Soil Survey	X	Section 222.
224	Substitute Topsoil Info (When Proposed)	X	none proposed, Section 224.
230	Operation Plan **Topsoil Handling/Removal/Storage**	X	Section 230 through 234.300 and Plate 2-1 and Appendix 3-2 . 33,900 CY subsoil and 2,300 CY topsoil stockpiled, Plate 5-1.
240	Reclamation Plan **Soil Redistribution/Stabilization**	X	Section 240 through 244.300, Section 542.100 through 542.300. Plates 5-2, 5-3 and 5-4.

301-300	Biology	X	Biology is addressed in chapter three.
320	Vegetation Information	X	Vegetative, fish, and wildlife resources in the vicinity of the CVM site are discussed in Section 320. Additional information regarding vegetative resources is provided in Appendices 3-1 and 3-2.
322	Fish and Wildlife Information	X	Vegetative, fish, and wildlife resources in the vicinity of the CVM site are discussed in Section 320. Additional information regarding vegetative resources is provided in Appendices 3-1 and 3-2.

323	Maps/Photos **Vegetation-Fish-Wildlife Areas**	X	The results of vegetation and wildlife surveys in the permit area are provided on Plates 3-1 and 3-2, respectively. The location of the reference area for determining revegetation success is shown on Plate 3-1.
330	Operation Plan **Vegetation-Fish-Wildlife Protection**	X	Measures taken for the protection of fish and wildlife are included in this section
341	Reclamation Plan for Revegetation	X	The plan to reclaim vegetative, fish and wildlife resources to a condition suitable for the post-operations land use is presented in Section 340.
342	Fish & Wildlife Plan for Reclamation Phase	X	The plan to reclaim vegetative, fish and wildlife resources to a condition suitable for the post-operations land use is presented in Section 340.

301-400	Land Use and Air Quality	X	Included in the 400 section of this application.
411	Pre-Mining Land Use Information **(Includes Cultural Resources)**	X	Section 301-411 and APPENDIX 4-2 CULTURAL RESOURCE INVENTORY
412	Post-Mining Land Use Information	X	Included in section 301-412.100 of the application.

301-500	Engineering	X	Narrative describing engineering aspects, including reclamation and operation plan are included in chapter 5.
510 520	General Description of Operation Plan **(Maps, Locations, Cross-Sections, Narrative, Descriptions & Calculations)**	X	General description included in chapter 5. Plan map with X-sections provided on Plate 5-1. Full Geotechnical evaluation and slope stability analysis provided in Appendix 5-2 and 5-3 respectively.
522	Coal Recovery Description	X	Narrative in Chapter 5 (Page 5-13) states that no coal will be recovered from this site.
523	Mining Methods	X	Narrative in Chapter 5 (Page 5-13) states that neither underground nor surface mining will occur at the CVM site.
524	Blasting and Explosives Plan	NA	
525	Subsidence Control Plan	NA	
526	Mine Facilities Description **(Narrative, Plans, Maps)** **Including Existing Structures & Support Facilities**	X	Narrative in Chapter 5 mentions that all support facilities on site are to be mobile only -- no permanent structures utilities or equipment is to be constructed on this site.

527	Transportation Facilities **(Including Plans & Maps)**	X	No belts nor rail systems are to be constructed on site. Only a primary road into the mine plus minor ancillary roads are to exist on site. Primary road X-sections included on Plates 5-3 and 5-4.
528	Coal Mine Waste Plans **(Description & Designs)**	X	Narrative in Chapter 5 (Pages 5-16, 5-17) describe how potentially acid forming waste will be treated on site.
529	Management of Mine Openings **(Design)**	NA	
531	General Plans for Structures	X	Chapter 5 narrative (Page 5-18) clarifies that only a sediment pond will be located on site. No other structures will exist in the permit area.
532	Sediment Control	NA	
533	Impoundments	X	Chapter 5 narrative (Pages 5-19 - 5-21) discusses slope stability considerations for the waste pile and sed pond, and Appendix 5-3 includes a stability analysis.

301-534	Roads **(Plans, Drawings, Designs, & Specifications)**	X	Narrative in Chapter 5 describes construction and maintenance of the primary road, and cross sections are included in Plates 5-1 and 5-3. Road certification is found in Appendix 5-1.
535	Spoil	X	Chapter 5 narrative (Page 5-22) states that no spoil will be generated within the permit area.
536	Coal Mine Waste	X	Chapter 5 narrative (Page 5-23 - 5-26) describes how coal mine waste will be placed and surface water managed on site. Full Geotechnical evaluation and slope stability analysis provided in Appendix 5-2 and 5-3 respectively.
537	Regraded Slopes	X	Chapter 5 narrative (Page 5-26) states that no no significant slope regrading will be performed on site.
540 541-542	Reclamation Narrative, Maps and Plans	X	A reclamation narrative is included in Chapter 5 (Page 5-26 - 5-33), including a timetable on Table 5-1. Reclamation X-sections for roads and waste piles included on Appendices 5-2, 5-3, & 5-4.
551	Casing and Sealing **Underground Openings**	NA	
553	Backfilling and Grading Description	X	Backfilling and Grading is addressed in Chapter 5 (Pages 5-33, 5-34).

301-600	Geology	X	A description of the Geology of the site is located in section 600 of the application..
621	Description of Geology **(Permit & Adjacent Area)**	X	Geology resource information is found in section 621-627. This site is an existing permitted waste rock site that is now being permitted by another operator. The entire site, with the exception of a small area covered by a thin veneer of tertiary gravel, is composed of Masuk member of Mancos shale of the Cretaceous period. Appendix 6-1 contains an evaluation of the acid and toxic forming characteristics of the waste rock deposited at the site.
622	Geologic Cross-Sections, Maps, and Plans	X	Plate 6-1 is a map of the geology of the area. No coal mining or exploration is planned for the area so there is very little stratigraphical information provided.
630	Plans for Casing and Sealing Holes	X	No exploration holes are planned to be drilled as the site will only be used for the disposal of waste rock from the near by mines.

301-700	Hydrology	X	The hydrology section is well organized and written in a format following the R645-301-700 rules.
721	Description of Hydrologic Resources **(Permit and Adjacent Area)**	X	The application provides a discription of Surface and Groundwater resources within the permit area.
722	Cross-Sections and Maps **Subsurface Water - Surface Water - Monitoring Stations - Wells**	X	The water resources within the permit area are shown on Plate 7-4.
723	Sampling and Analysis	X	The application discusses water monitoring locations within the permit area.
724	Baseline Information **Ground Water - Surface Water - Geology - Climatological & Supplemental; If Needed**	X	Water monitoring information has been collected at the site by the sites previous owner for decades.
728	PHC Determination	X	The application provides a narratvie on Probable Hydrologic Consequences in section R645-301-728.
730	General Operation Plan **Minimize Disturbance to Hydrologic Balance & Compliance with Clean Water Act**	X	The operation plan includes narratives and supporting maps and designs to protect surface and groundwater resources within and adjacent to the permit area.
731	Ground and Surface Water Protection	X	The application provides narratives and calculations in appendicies discussing BTCA and ASCA implementation at the site.

732	Sediment Control Measures	X	The application provides narratives and calculations on BTCA measures that will be implemented at the site.

301-740	Plans and Designs **Operation and Reclamation Plan** **Sediment Control Measures**	X	In addition to the Hydrology narrative, the application includes nine appendicies showing designs and calculations for sediment control measures at the site.
	Siltation Structures	X	Appendix 7-8 discusses ASCA's at the site.
	Sediment Ponds	X	The application provides a narrative and
	Other Treatment Facilities	NA	
	Diversions	X	Diversion narrative and calculations are provided in Appendix 7-7.
	Road Drainage	X	Appendix 7-7 discusses road drainage and sediment control measures to treat the drainage prior to leaving the site.
	Impoundments	X	Appendix 7-7 includes informaion on impounding runoff at the site.
	Discharge Structures	X	Appendix 7-7 includes operation hydrology designs on discharge structures.
	Disposal of Excess Spoil	X	The main narrative includes a discussion on disposal of Excess Spoil.
	Coal Mine Waste	X	Coal mine waste will be contained onsite by impletement BTCA's.
	Disposal of Non-Coal Mine Waste	X	The main narrative includes a discussion on disposal of non-coal mine waste.
	Casing and Sealing of Wells	X	Reclamation narrative and designs are provided in Appendix 7-9.

301-800	Bonding and Insurance	X	Narrative describing which areas are included in the bonding calculations, and where the calculations are derived from.
820	Applicant **Have Adequate Bond at Permit Issuance**	X	Calculated bond amount appears to be adequate.
830	Bond Estimate and Calculations Provided	X	Detailed calculations provided in Appendix 8-1.

890	Certificate of Insurance Provided	X	Certificate of insurance provided in Appendix 1-2. -- Although the certificate does not identify DOGM as the Certificate Holder, nor does it indicate the Division will be notified in the event of cancellation.

302-200	Special Categories of Mining	NA	
210	Experimental Practices Mining	NA	
220	Mountaintop Removal Mining	NA	
230	Steep Slope Mining	NA	
240	Auger Mining	NA	
250	In Situ Processing Activities	NA	

302-260	Coal Processing Plants **(Not Located Within Permit Area of Mine)**	NA	
270	Variances From Approximate Original Contour Restoration Requirements	NA	
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	NA	
290	Small Operator Assistance Program **(SOAP)**	NA	

302-300	Special Areas of Mining	NA	
301	Prime Farmland	NA	
302	Alluvial Valley Floors	NA	

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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

Technical Analysis and Findings

Utah Coal Regulatory Program

November 2, 2018

PID:	**C0150036**
TaskID:	**5721**
Mine Name:	**CASTLE VALLEY WASTE ROCK SITE**
Title:	**PERMIT APPLICATION**

Summary

This site is currently under permit to PacifiCorps as part of the Deer Creek Mine operations (C/015/018). In September 2015, the site was proposed for transfer to BRC Wellington, LLC (Task 4966). The transfer was approved in August 2016, but a bond was not posted for the new permit. The site was then returned to the PacifiCorps permit. The site is now of interest to Castle Valley Resources to provide a waste storage location for the Bear Canyon Mine (C/015/025). This proposal was received on July 5, 2018. The site was assigned a new permit number C/015/0036.

pburton

General Contents

Identification of Interest

Analysis:

The application meets the State of Utah requirements for R645-301-112 Identification of Interest.

The applicant has identified the names, addresses and telephone number of the applicant and the applicant's resident agent, the person responsible for paying the abandoned mine land reclamation fee, Appendix 1-4 ownership and control (officers & directors updated 10/25/18), permits held by the applicant, the legal or equitable owner of record of the surface and minteral property to be mind, the owners of record on property contiguous to the proposed permit area and the MSHA ID number.

An AVS Evaluation was generated on November 2, 2018 on the entity Castle Valley Mining, LLC. There were no violations retrieved in the system.

ssteab

Right of Entry

Analysis:

The application meets the State of Utah R645 requirements for Right of Entry, because Appendix 1-1 states that the Mining and Reclamation Plan will be updated to state the existence of final right of entry documents for operations and reclamation. A temporary right of entry agreement between Pacificorp and Castle Valley Mining LLC is currently included in App. 1-1 of the application. The effective date is 6/11/2018. The application will contain documents giving legal right to enter the permit area for operations and reclamation. Appendix 1-1 states that final right of entry

documents will be detailed by book and page recorded at the Emery County courthouse.

pburton

Legal Description

Analysis:

The application meets the State of Utah requirements for R645-301-115, Legal Description. The legal description accurately describes the entire 49.05 acre parcel included within the permit area as described on updated page 1-8 and also located in Appendix 1-1 Right of Entry Agreement, Exhibit A Legal Description of the Property.

ssteab

Public Notice and Comment

Analysis:

The application meets the State of Utah requirements for R645-301-117, Public Notice and Comment. The applicant provided a proposed public notice (Appendix 1-6). The application was determined administratively complete on July 27, 2018 and was given approval to publish as required by R645-300-121. A copy of the affidavit is required to be submitted to the Division as soon as it becomes available. The Division notified in writing local governmental agencies and all Federal or State governmental agencies involved in or with an interest in the permit process on July 27, 2018.

ssteab

Filing Fee

Analysis:

The application meets the State of Utah requirements for R645-301-118 Filing Fee. The applicant paid the $5 new permit filing fee on July 27, 2018.

ssteab

Environmental Resource Information

General

Analysis:

The amendment meets the State of Utah R645 requirements for environmental resource information as required by R645-301-300.310, .311 and .312. *#Chapter three provides a general description of the biological resources found in the vicinity of the Castle Valley Mining, LLC waste rock site (the "CVM site" or the "site"), and describes measures that will be taken to protect biological resources within and adjacent to the permit area. Vegetative, fish, and wildlife resources in the vicinity of the CVM site are discussed in Section 320. Additional information regarding vegetative resources is provided in Appendices 3-1 and 3-2. Potential impacts to vegetative, fish and wildlife resources and the associated mitigation plans are presented in Sections 330 and 340 of the application."*

jhelfric

Historic and Archeological Resource Information

Analysis:

The amendment meets the State of Utah R645-301-411.140 requirements for cultural and historic resources information. Page 4-2 provides a narrative that describes the absence of cultural and historic resources listed or eligible for listing in the National Register of Historic Places within the permit area. A summary report of cultural resources antiquities permit 87-UT-54937 is located in Appendix 4-2 with a map on page 10-4. There are no public parks or cemeteries within 100 feet of the permit area and there are no National System of Trails or Wild and Scenic Rivers in the permit or adjacent area. Coordination with the State Historic Preservation Officer (SHPO) is evidenced by letter dated August 1, 1988 from The Division of State History and includes concurrence on National Register of Historic Places eligibility findings. No cultural sites were found.

Mining activity, in the form of waste-rock disposal, has occurred in the permit area since the late 1980s. This activity has been conducted in accordance with a permit issued by the Utah Division of Oil, Gas and Mining to PacifiCorp and/or its predecessors or agents. The original approval for disposing of waste rock at the site was issued on September 13, 1988 (see Appendix 4-3) .

jhelfric

Climatological Resource Information

Analysis:

The application meets the State of Utah R645 requirements for Climatological Information.

The average precipitation, temperature, and wind data is provided for the area where this site is. Supporting graphs and tables of the data are provided in Appendix 7-4.

kstorrar

Vegetation Resource Information

Analysis:

The permit application meeets the State of Utah R645 requirements for vegetation resource information R645-301-300.321.

The application includes a vegetation survey of the permit area performed by Mt. Nebo Scientific in 1987 prior to site disturbance. The results of this survey are provided in Appendix 3-1. As indicated, vegetation in the permit area is characterized primarily as a Gardner Saltbush/Mat Saltbush plant community, with Pinyon/Juniper communities within the larger community. Dominant species in these smaller plant communities consist of pinyon and juniper trees, black sagebrush, and shadscale.
The general pre-disturbance distribution of vegetation in the permit area is shown on Plate 3-1. From data presented in Appendix 3-1, the vegetative species within the Gardner Saltbush/Mat Saltbush community in the permit area consist of the following:
Shrubs:
• Black sagebrush (Artemisia nova)
• Castle Valley saltbrush (Atriplex gardneri var. cuneate)
• Shadscale (Atriplex confertifolia)
• Mat saltbush (Atriplex corrugata)
• Rubber rabbitbrush (Chrysothamnus nauseosus)
• Low rabbitbrush (Chrysothamnus viscidiflorus)
• Mormon tea (Ephedra viridis)
• Corymb buckwheat (Eriogonum corymbosum)
• Utah juniper (Juniperus osteosperma)
• Greasewood (Sarcobatus vermiculatus)
• Cottonthom horsebrush (Tetradymia spinosa)
Forbs
• Cryptantha (Cryptantha flava)
• Spring parsley (Cymopterus purpureus)
• Gordon's buckwheat (Eriogonum gordonii)
• James wild buckwheat (Eriogonumjamesii)
• Buckwheat (Eriogonum sp.)
• Goldenweed (Haplopappus ep.)
• Parthenium (Parthenium sp.)
• Phacelia (Phacelia crenulata)
• Phacelia (Phacela sp.)
Grasses:
• Salina wildrye (Elymus salinus)
• Indian ricegrass (Orizopsis hymenoides)
• Squirreltail (Sitanion hystrix)

jhelfric

Fish and Wildlife Resource Information

Analysis:

Undisturbed lands in the area generally support wildlife habitat. The poor soil and sparse vegetation of the area limit the degree to which wildlife frequent the area. There is no fish habitat within the permit area.

A site-specific evaluation of wildlife within the permit and adjacent areas was conducted on the permit area in 1988 prior to disturbance of the site. The results of this survey, which was conducted by Val Payne of Utah Power and Light Company in consultation with Larry Dalton of the Utah Division of Wildlife Resources, are provided on Plate 3-2. As indicated, portions of the permit area serve as critical winter habitat for mule deer (Odocoileus hemionus) and elk (Cervus canadensis). Specific wildlife use areas associated with the site include migration routes, open areas, and bedding areas as indicated on Plate 3-2.

A review of information maintained by the Utah Conservation Data Center1 indicates that no threatened or endangered species, nor habitat for such species, are present within the permit area. However, this site indicates that the following species of concern may be present within the USGS quadrangle in which the CVM site is located (i.e., the Hiawatha 7.5 minute quadrangle):
• Ferruginous Hawk (Buteo regalis): According to the Utah Conservation Data Center this species of concern was last observed in the Hiawatha quadrangle on December 13. 2008. It is identified as a Utah species of concern. with a global status rank of G4 (indicating that it is a species that is widespread, abundant, and apparently secure, though it may be quite rare in parts of its range, especially at the periphery) and a State status rank of S3B (indicating that it is a species that is either very rare and local throughout its range or found locally [even abundantly at some of its locations[within a restricted range, or vulnerable to extinction or extirpation because of other factors, particularly during breeding season).
• Colorado River Cutthroat Trout (Oncorhynchus calrkii pleuriticus): According to the Utah Conservation Data Center, this species was last observed in the Hiawatha quadrangle on October 19. 2005. This species is receiving special management under a Conservation Agreement in order to preclude the need for Federal listing. It has a global status rank of 04T3 (indicating that some infraspecific taxa of the species may warrant a global numeric ranking of 3 rather than 4) and a State status rank of S3.
• Western Toad (Bufo boreas): According to the Utah Conservation Data Center, this species of concern was last observed in the Hiawatha quadrangle on July 25, 1964. It is identified as a Utah species of concern. with a global status rank of 04 and a State status rank of S3.

Although the Ferruginous Hawk may be present in the general area of the CVM site, its preferred nesting sites (cliffs, buttes, and creek banks) do exist within the area where waste rock storge operations will be conducted. Furthermore, dust will be suppressed during operations, thereby minimizing the potential for impacts from this source. Therefore, no significant impacts are anticipated to Ferruginous Hawks in the area from the planned site activities. No perennial streams occur within the permit area. Furthermore, site activities will be conducted in a manner that minimizes contributions of sediment and other pollutants to the closest perennial source of water (Huntington Creek). Therefore, waste rock storage operations at the site should not adversely impact Colorado River Cutthroat Trout in the region.

The Western Toad habitat consists primarily of slow-moving streams, wetlands, and other perennial sources of water. Since these sources are absent within the permit area and protected from contributions of sediment and other pollutants outside of the permit area, waste rock storage operations at the site should not adversely impact Western Toads in the region.

The IPaC TrustResource Report and associated Section 7 letter obtained from this web site are provided inAppendix 3-4. The Resource Report and the Section 7 letter indicate that the following threatened or endangered species may occur in the region of the permit area:
• Birds:
o Mexican Spotted Owl (Strix occidentalis lucida)
o Southwestern Willow Flycatcher (Empidonax traillii extimus)
o Yellow-billed Cuckoo (Coccyzus americanus)
• Fishes:
o Bonytail Chub (Gila elegans)
o Colorado Pikeminnow (Ptychocheilus lucius)
o Humpback Chub (Gila cypha)
o Razorback Sucker (Xyrauchen texanus)
• Flowering Plants:
o Bameby Reed-mustard (Schoenocrambe barnebui)
o Jones Cycladenia (Clycladenia humilis var.jonesii)
The report and letter further state that no critical habitats occur within the permit area for thesethreatened or endangered

species. None of these species are known to exist in the permit area.

According to information provided in the CVM Mine mining and reclamation plan, the nearest known raptor nests are approximately 1.3 miles northeast of the site.

jhelfric

Soils Resource Information

Analysis:

The application meets the requirements of R645-301-220, Environmental Description.

Within the 49.05 acre permit area (identified on page 1-5 and shown on Plate 5-1) there are two soil map units: Gerst and Strych. Chapter 2 provides a summary of the NRCS Web Soil Survey data found in Appendix 2-1. Figure 1-1 is the corresponding soils map. Soils are predominantly Gerst/Strych/Badland soils (NRCS map unit 051) derived from Mancos Shale on colluvial slopes. According to the NRCS Order 3 survey, a typical Map Unit 051 Gerst soil profile is only two feet or less to bedrock. However, within the permit area, a typical Gerst soil profile is described at greater than four feet in depth (Section R645-301-222.300, p. 2-2). In the typical profile, a shallow loam A horizon (5 inches) topsoil lies above a 9 inch loam C1 horizon zone of carbonate illuviation, which lies above a buried strongly alkaline stony loam Bk3 horizon. Underneath all the above is a hard, massive stonly sandy loam C horizon.

Average annual precipitation is 10 inches distributed evenly throughout the year, with a slight increase from July - October. Elevation is above 6,000 feet. Slopes range from 2 to 70 percent.

Order 1 soil survey sample data is provided in Appendix 2-2. Sample locations are shown on Plate 2-1. Soil samples were taken in April 1981. There were some very high EC and SAR values encountered. The maximum recorded values were 17 mmhos/cm EC and 35.80 SAR.

Soil productivity for the Semi-Desert Shallow Loam (Utah Juniper-Pinyon) range site is listed as 63 lbs/ac in a favorable year and 44 lbs/ac in a normal year and only 19 lbs/ac in an unfavorable year (Section R645-301-222.400), p. 2-3)). Productivity is dependent on soil moisture and the soil is dry 50 - 65% of the time when the soil temperature is greater than 41 degrees F (App. 2-1).

There is no prime farmland in this location. There are agricultural lands at the mouth of Huntington Canyon. Years ago, there were also fruit orchards at the mouth of Huntington Canyon.

pburton

Geologic Resource Information

Analysis:

The application meets the requirements of the R645 rules for geological resource information.

Geology resource information is found in section 621-627 of the application. This site is an existing permitted waste rock site that is now being permitted by another operator. The surface of the entire site, with the exception of a small area covered by a thin veneer of tertiary gravel on the southeast edge of the site, is composed of the Masuk member of Mancos shale of the Cretaceous period. The Mancos shale, which is over 200 feet thick in most of the area, will act as a barrier to the migration of deleterious materials into the groundwater. Appendix 6-1 contains an evaluation of the acid and toxic forming characteristics of the waste rock deposited at the site. pH of the waste rock is maderately alkaline. Electrical conductivity of the waste rock is less than 4mS/cm. Sodium adsorption ration is less than 4, Boron concentration is less than 5mg/kg. Soluble selenium concentration of the waste rock is 0.098 mg.kg.

There is no mining planned to take place on the waste rock site and thus no need for stratigraphic column information. The applicant has supplied a geology map (Plate 6-1) of the permit area. No faults are known in the permit area.

dhaddock

Hydro Baseline Information

Analysis:

The application meets the State of Utah R645 requirements for Baseline Information.

The application provides a background on the quantity and quality of groundwater within the permit area. Groundwater was encountered in a test hole at 33 feet and it rose up to 23 feet below ground level. The surficial shale within the permit area is not considered a water producing unit because of its extremely low hydraulic conductivity and very poor water quality. Groundwater is monitored at the site by a well cased near the waste rock pile. This well has been monitored quarterly since it was installed in 1989. This well adequately characterizes the groundwater resources within the permit area.

No surface water exists within the permit area. Precipitation is the only surface water introduced to the permit area. The nearest surface water features are a couple manmade ponds and Huntington creek. There is no baseline data to collect on surface water resources within or adjacent to the permit area. The application includes a narrative on the surrounding surface water resources including Huntington creek and the San Rafael river.

kstorrar

Probable Hydrologic Consequences Determination

Analysis:

The application meets the State of Utah R645 requirements for Probable Hydrologic Consequences Determination.

The application provides a narrative and additional Appendices addressing potential impacts to the hydrologic balance. Sediment will be contained on site by directing all runoff either to the total containment sediment pond or to areas where the Best Technology Currently Available (BTCA) is implemented. These runoff controls will prevent impacts to surface waters within and adjacent to the permit area.

The waste rock site rests upon an impervious shale rock unit. The quality and quantity of groundwater will not be impacted by the placement of waste rock material on top of this unit.

Petroleum products utilized onsite will be covered under an SPCC.

kstorrar

Hydro GroundWater Monitoring Plan

Analysis:

The application meets the State of Utah R645 requirements for Groundwater Monitoring.

The well at the site will continue to be monitored quarterly as it has been since its inception by the Permittee until site reclamation.

kstorrar

Hydro SurfaceWater Monitoring Plan

Analysis:

The application meets the State of Utah R645 requirements for Surface water monitoring.

There are no proposed surface water features that will be monitored within or adjacent to the permit area. This is because there are no perennial or intermittent surface water bodies within or directly adjacent to the permit area. All precipitation will be fully contained within the total containment pond, so no runoff is anticipated to occur from the permit area.

kstorrar

Maps Affected Area Boundary Maps

Analysis:

The application meets the State of Utah R645 requirements for Affected Area Boundary Maps.

Plate 5-1 details all relevant surface structures within the permit area, including the location of roads, culverts, diversion ditches, fences, disturbed area boundary, and the permit boundary line, satifying the requirements of R645-301-521.122 through -521.125.

jeatchel

Maps Coal Reasource and Geologic Information

Analysis:

The application meets the requirements of the R645-301-622 rules regarding geologic cross sections, maps and plans.

A Geology map (Plate 6-1) has been provided that describes the general geology of the permit area. Since no coal mining or exploration will occur at the site, coal seam data is not shown. The map contains one cross section showing the extent of the Masuk member of the Mancos Shale formation, which overlies the entire waste rock site.

dhaddock

Maps Existing Surface Configuration

Analysis:

The application meets the State of Utah R645 requirements for Existing Surface Configuration Maps.

The application meets the minimum requirements of R645-301-521.150 because narrative in section 5-3 states that the topography noted on Plate 5-1 was prepared from the results of a site survey conducted in September 2014. There has been no additional waste placed at the site since that time.

jeatchel

Maps Monitoring and Sampling Locations

Analysis:

The application meets that State of Utah R645 requirements for Monitoring and Sampling Locations Maps.

The application provides Plate 7-2 showing the location of the water monitoring well within the permit area. This well is the only water monitoring point within the permit area.

kstorrar

Maps Permit Area Boundary

Analysis:

The application meets the State of Utah R645 requirements for Permit Area Boundary Maps.

The application meets the minimum requirements of R645-301-521.140 because Plate 5-1 clearly identifies the full extents of the permit boundary line beginning at State Highway 31 on the south and encircling the entire permit area.

jeatchel

Maps Subsurface Water Resources

Analysis:

The application meets the State of Utah R645 requirements for Subsurface Water Resources Map.

The application includes Figure 7-1 identifying the groundwater resources within and adjacent to the permit area. This figure shows a cross-section of the recharge source and location of groundwater within and adjacent to the permit area.

kstorrar

Maps Surface and Subsurface Manmade Features

Analysis:

The application satisfies the State of Utah R645 requirements for Surface and Subsurface Manmade Features Maps.

The application meets the minimum requirements of R645-301-521.122 since narrative on page 5-9 details the following features depicted on Plate 5-1: Buildings, soil stockpiles, roads, drainage ditches, existing waste rock piles, and the sedimentation pond. No major electric transmission lines, pipelines, or other similar subsurface man-made features exist within, passing through, or passing over the permit area, and the only coal development waste within the permit area is the waste rock pile noted on Plate 5-1. R645-301-521.124 is also satisfied because reference to the dimensions of diversion ditches and the waste rock pile is made in section 5-9. The location of the sediment pond is detailed in section 5-9 and Plate 5-1 as required in R645-301-521.125.

jeatchel

Maps Surface and Subsurface Ownershiip

Analysis:

The application meets the State of Utah R645 requirements for Surface and Subsurface Ownership Maps.

The application satisfies the minimum requirements of R645-301-521.131 through -521.132 since Plate 1-1 clearly shows the location of the permit area over the township and range sections of a State Plane map. The ownership of the lots within the vicinity of the permit area is also depicted. The permit area consists of approximately 49.05 fee acres, and no Federal or State lands exist within the permit area.

jeatchel

Maps Surface Water Resource

Analysis:

The application meets the State of Utah R645 requirements for Surface Water Resources Map.

There are no surface water resources within or directly adjacent to the permit area. This is provided on Plate 7-4 'Surface Body Water Locations'.

kstorrar

Operation Plan

Mining Operations and Facilities

Analysis:

The application meets the State of Utah R645 requirements for Mining Operations and Facilities.

The application satisfies the minimum requirements of R645-301-523 because a narrative decribing the mining operation is given in sections 5-9 through 5-13. This site is designated as a waste rock storage facility, and as such, no underground or surface mining of coal will occur anywhere within the permit area. Since there are no underground openings anywhere within the permit area, no subsidence is anticipated.

The only facilities that exist within the permit area are roads, a sedmentation pond, and soil stockpile areas. No buildings, utility corridors, or other facilities are to be installed within the permit area.

jeatchel

Existing Structures

Analysis:

The application meets the State of Utah R645 requirements for Existing Structures.

The application satisfies the minimum requirements of R645-301-526.110 because narrative in section 5-14 states that no permanent structures were present at the site prior to application submittal, nor will there be any structures installed in the future. No permanent equipment or utilities will be constructed at the site, and all support facilities will consist of only mobile equipment.

jeatchel

Relocation or Use of Public Roads

Analysis:

The application meets the State of Utah R645 requirements for Relocation or Use of Public Roads.

The application meets the minimum requirements of R645-301-521.133 since no relocation or mining operations exist within 100 feet of a public road as detailed in section 5-9 and Plate 5-1.

jeatchel

Air Pollution Control Plan

Analysis:

The amendment meets the State of Utah R645-301-422 requirements for the air pollution control plan. Evidence of coordination and compliance efforts with the Utah Division of Air Quality is noted on page 4-5 and Appendix 4-4. Controls to be implemented at the site to suppress dust consist of watering roadways, material-handling operations, and loading operations. Storage piles will also be sprayed with water as necessary to minimize dust emissions.

jhelfric

Coal Recovery

Analysis:

The application meets the State of Utah R645 requirements for Coal Recovery.

The application satisfies R645-301-522 because section 5-13 reiterates that no underground or surface mining of in-place coal will occur anywhere within the permit area.

jeatchel

Subsidence Control Plan Renewable Resource

Analysis:

The application meets the State of Utah R645 requirements for Renewable Resource Subsidence Control Plans.

The application satisfies the minimum requirements of R645-301-525.130 because of narrative in section 5-13 which states that no subsidence will be anticipated since there will be no underground or surface coal mining conducted on site.

jeatchel

Subsidence Control Plan Subsidence

Analysis:

The application meets the State of Utah R645 requirements for Subsidence Control Plan.

The application satisfies the minimum requirements of R645-301-525.400 because of narrative in section 5-13 which states that no subsidence will be anticipated since there will be no underground or surface coal mining conducted on site.

jeatchel

Subsidence Control Plan Slides and Other Damage

Analysis:

The application meets the State of Utah R645 requirements for Subsidence Control Plan Slides and Other Damage.

The application satisfies the minimum R645-301-515.100 requirements for reporting emergency procedures. Section 5-8 and 5-9 state that although the potential for a slide within the permit area is extremely minimal, should a slide occur the Division will be contacted immediately upon discovery. Remedial measures required by the Division will be adhered to at that point.

jeatchel

Fish and Wildlife Protection and Enhancement Plan

Analysis:

The amendment meets the State of Utah R645-301-332 requirements for describing impacts of subsidence to fish, wildlife, and vegetative resources. As described on page 3-6, no underground mining operation has or will occur within the permit area. The planned actions will not result in subsidence.

The amendment meets the State of Utah R645-301-333 requirements to describe how using best technology currently available to minimize adverse impacts to fish and wildlife, including compliance with the Endangered Species Act. The fence surrounding the permit area was designed to be compatible with wildlife migration. This fence will be maintained during operations. No disturbance will occur outside of that fenced area. Runoff control measures will be maintained to preclude off-site surface-water impacts. Other protective measures within the disturbed area boundary will include adhering to clean industrial hygiene procedures, properly disposing of all waste (papers, cans, bottles, etc.), and instructing employees not to hunt or harass wildlife in the permit and adjacent areas.

jhelfric

Fish and Wildlife Endangered and Threatened

Analysis:

Calculations provided in Appendix 3-5 estimate that less than 2 acre-feet of water will be used for dust-suppression and moisture conditioning purposes during the course of this project. This water may be obtained from the sedimentation pond (if available and practical) but more likely will be obtained from nearby municipal or industrial sources. the total estimated project water usage (1.16 acre-feet) represents just 0.002% of thie annual flow for Huntington Creek.

jhelfric

Topsoil and Subsoil

Analysis:

The application meets the State of Utah R645 requirements for soil operation plan, because the topsoil and subsoil has already been salvaged ans stockpiled from the operations area.

The first waste rock cell is already developed. Section R645-301-230-231.400 (p. 2-6) states that there is 33,900 CY of subsoil and 2,300 CY of topsoil in two stockpiles. Plate 2-1 and Plate 5-1 outline the locations of two soil stockpiles (the North and South soil stockpiles). Section R645-301-234.100 (p. 2-9) states that the upper foot of these stockpiles is topsoil and below is subsoil. The stockpiles are protected by silt fences. The stockpiles have identifying signs. The Permittee will inspect the soil stockpiles annually and fill, regrade, seed or otherwise stabilize the stockpiled soil (Section R645-301-230-231.300, p. 2-6). However, an interim seed mix is not described.

There is topsoil stored along the road embankments (Section R645-301-230-231.100, p.2-5). This road outslope seeding was evaluated for reclamation success (Appendix 3-2, e-pg 134). One of the outstanding species previously seeded was thickspike wheatgrass (Elymus lanceolatus, formerly Agropyron dasystachyum).

Topsoil and subsoil stockpiles were observed and photographed on 10/22/2018. Of the seeded species, only one was dominant: fourwing saltbush. Other seeded species like Penstemon and wheatgrass, were observed in lesser numbers. The topsoil berm on the West had no cover except an annual forb. Similarly, on the East, none of the seeded species was in occurence, but the native species Atriplex gardneri (castle valley clover or mat saltbush) had self-sowed and become dominant. The site was seeded so long ago, that we are seeing succession of native species. Current images of the topsoil and subsoil stockpiles are filed with the date 10222018.

pburton

Vegetation

Analysis:

The amendment meets the State of Utah R645-301-331 requirements for protection of vegetation. The operation plan is described on page 3-6. The site is previously disturbed and there will be no new surface disturbance.

jhelfric

Road Systems Classification

Analysis:

The application meets the State of Utah R645 requirements for Road Systems Classification.

The application satisfies the minimum requirements of R645-301-527.100, and -527.110 by classifying each road within the permit area as either primary or ancillary. Narrative in sections 5-4 and 5-15 state that the main access road leading into the site from State Route 31 is classified as a primary road, and will be used to transport waste rock. Temporary roads within the interior of the permit area that are used to transport waste rock within the site are considered ancillary.

jeatchel

Road System Plans and Drawings

Analysis:

The application meets the State of Utah R645 requirements for Road System Plans and Drawings.

The application satisfies the minimum requirements of R645-301-534 because narrative in section 5-21 and 5-26 give a description of the design and construction of the roads contained within the permit area. Plate 5-1 shows a plan view of all roads within the permit area, including inset cross section views of the primary road. The locations of culverts and drainage ditches associated with the permit area roads are also shown on Plate 5-1. The main access road was built over 25 years ago and no slope stability issues have been observed during this time.

Since the site access road was designed and constructed to meet the requirements of the Utah Administrative Rules, it has the following characteristics: It is located on a stable surface, the surface is sufficiently durable for the intended traffic volume, is maintained as needed, and culverts have been designed and sized to withstand the loads imparted by the vehicle traffic.

A slope stability analysis for all embankments has been included in Appendix 5-3.

jeatchel

Road System Performance Standards

Analysis:

The application meets the State of Utah R645 requirements for Road System Performance Standards.

The application satisfies the minimum requirements of R645-301-534.120 and -534.150 because narrative in sections 5-21 and 7-26 detail how roads are built and maintained to prevent and control erosion. The main site access road is surfaced with compacted rotomilled asphalt, and no toxic or acid forming materials have been nor will be used in the road surfaces.

The main access road is not located in the channel of an intermittent or perennial stream, and the surfaces were constructed to promote adequate drainage. All roads have been located to minimize downstream sedimentation and

flooding.

jeatchel

Road System Certification

Analysis:

The application meets the State of Utah R645 requirements for Road System Certification.

The application satisfies the minimum requirements of R645-301-512.200 because all plans and plates for the roads within the permit area have been prepared under the direction and certification of a qualified registered professional engineer. Appendix 5-1 includes a stamped and certified document by Richard B. White, P.E. verifying that the roads meet the requirements of R645-301-534 and R645-301-742.

jeatchel

Spoil Waste Disposals of Noncoal Mine Wastes

Analysis:

The application meets the State of Utah R645 requirements for Disposal of Spoil and Non-coal Waste.

The application satisfies the minimum requirements of R645-301-528 because narrative in sections 5-3, 5-9, 5-17, and 5-33 repeatedly state that no non-coal waste (including hazardous waste) exists nor will be generated at the site. If such waste is generated in the future, it will be handled and disposed of in accordance with the regulations of the Resource Conservation and Recovery Act.

A waste container will be provided for the disposal of general miscellaneous trash, and disposed of at an off-site location that is permitted to accept such waste.

jeatchel

Spoil Waste Coal Mine Waste

Analysis:

The application meets the State of Utah R645 requirements for Coal Mine Waste.

The application satisfies the minimum requirements of R645-301-536 because narrative in sections 5-23 through 5-26 detail the design and construction of the waste rock pile, and how operations will be conducted to maintain safety and stability.

State of Utah R645-301-536.110 regulations state that waste rock disposal facilities must be designed to attain a long-term minimum safety factor of 1.5. Two separate waste rock geotechnical evaluations were conducted in 1988 by Rollins, Brown and Gunnell, Inc. - one in August, 1988 and another in March, 1988. The results of these evaluations are found in Appendix 5-2 and 5-3, respectively. The evaluation conducted in August 1988 determined that the waste rock slopes obtained a factor of safety of 1.5 or higher for side slopes of 2h to 1v. The evaluation conducted in March 1988 determined that the waste rock slopes obtained a factor of safety of 1.80 for a dump constructed in two foot lifts and side slopes of 2h to 1v.

Narrative on page 5-17 states that waste rock is non-acid and non-toxic as per Appendix 6-1 and section 623 of the MRP. Appendix 6-1 and section 623 contain toxicity reports for coal mine waste from the Deer Creek mine as well as the Bear Canyon mine, where material will be reporting from going forward.

jeatchel

Spoil Waste Refuse Piles

Analysis:

The application meets the State of Utah R645 requirements for Spoil Waste Refuse Piles.

The application satisfies the minimum requirements of R645-301-536.900 because of narrative in sections 5-6 and 5-25 which reference the appropriate sections of the MRP that deal with design, stability, operation, maintenance, and

eventual reclamation. The waste rock pile was designed and constructed in accordance with MSHA requirements. This application provides a description of operations for Phase I. Once capacity has been reached in Phase I, it will be necessary to proceed with construction on Phase II, which will require a drainage system be set up to divert runoff into a sediment basin designed for this area. Maintenance on ditches and sediment ponds will be completed as needed.

Quarterly inspections will be conducted by a qualified individual throughout normal operations and continue until final grading and revegetation. Reports of these inspections will be provided to the Division in accordance with R645-301-514.

jeatchel

Spoil Waste Impounding Structures

Analysis:

The application meets the State of Utah R645 requirements for Spoil Waste Impounding Structures.

The application satisfies the minimum R645-301-533 requirements because narrative in sections 5-7 and 5-17 through 5-21 that describes the construction, operation, and maintenance of all sediment control and runoff structures within the permit area. The sedimentation pond was constructed by excavating approximately 6 feet of soil, resulting in a below-grade impoundment. According to the attached Appendix 5-3, a minimum safety factor for the embankment slopes is 1.8, exceeding the safety factor of 1.3 required in R645-301-533.110. The slopes of the pond are periodically inspected for signs of erosion, and the inlets and outlets are armored with rip rap, satisfying the requirements of R645-301-533.400. The sedimentation pond does not meet the size criteria of 30 CFR 216(a). Inspections are to be completed on a quarterly basis to ensure the pond is maintained in good working condition. Sediment will be removed from the pond once the 60 percent design sediment storage volume has been achieved.

The sedimentation pond is designed to be a total containment structure, with structures built into the pond to address discharge water in the event storm waters exceed design capacity. In areas that do not flow to the sedimentation pond, silt fences and straw wattles have been installed to prevent the discharge of sediment into undisturbed areas. These runoff control measures were designed to convey runoff in a non-erosive manner.

jeatchel

Spoil Waste Excess Spoil

Analysis:

The application meets the State of Utah R645 requirements for Excess Waste Spoil.

The application satisfies the minimum requirements of R645-301-512.210, R645-301-514.100, R645-301-521.143, R645-301-528, and R645-301-535.100 because narrative in sections 5-3, 5-5, 5-17, 5-24, and 5-33 all repeatedly state that excess spoil does not exist nor will be generated anywhere within the permit area.

jeatchel

Hydrologic Ground Water Monitoring

Analysis:

The application meets the State of Utah R645 requirements for Groundwater Monitoring.

The application will continue quarterly groundwater monitoring at the waste rock site. The location of the water monitoring well is shown on Plate 7-2 'Site Drainage Map'.

kstorrar

Hydro Surface Water Monitoring

Analysis:

The application meets the State of Utah R645 requirements for Surface Water monitoring.

There are no perennial or intermittent surface water resource that will be impacted by active operations at the waste rock site. Additionally, no surface water will leave the site prior to treatment by a BTCA BMP. No impacts to the surface

water resources within or adjacent to the permit area are anticipated, so no surface water monitoring is required.

kstorrar

Hydrologic Acid and Toxic forming Materials

Analysis:

The application meets the State of Utah R645 requirements for acid/toxic forming materials, because information in the plan pertains to the existing refuse pile, and provides characterization of the projected Bear Canyon mine waste in Appendix 6-1.

Total depth of cover will be 35 inches. This is less than the 48 inches required by R645-301-553.252. This lesser depth of cover is based on acid/toxic data found in Appendix 6-1, representing waste originating at the Deer Creek Mine and Bear Canyon Mine. A sampling plan for future material placed from the Bear Canyon Mine is stated in Section R645-301-731.311, following Tables 3 and 7 of the Utah Guidelines for Topsoil and Overburden handling. (p. 7-14). Sampling will be conducted during periods of activity and results will be reported with the annual report.

pburton

Hydrologic Acid and Toxic forming Materials

Analysis:

The application meets the State of Utah R645 requirements for Acid- and Toxic Forming Materials.

The waste rock to be placed at the site is not acid- or toxic-forming. Thus, this section is not applicable.

kstorrar

Hydrologic Water Quality Standards

Analysis:

The application meets the State of Utah R645 requirements for Water Quality Standards and Effluent Limitations.

The application states water from the sediment pond may be used for dust suppression. The water will be applied within the permit area on permeable surfaces so excess runoff will be minimal. Any excess that does occur will be captured by sediment control structures and be retained within the permit area.

kstorrar

Hydrologic Diversion General

Analysis:

The application meets the State of Utah R645 requirements for Diversions.

Diversions have been designed to safely convey runoff from design storms ranging from 10-year 24-hour to 100-year 24-hour events. The application provides supporting calculations and designs for the ditches and the location of the conveyance structures on Plate 7-3.

kstorrar

Hydrologic Diversion Misc. Flows

Analysis:

The application meets the State of Utah R645 requirements for Sediment Control Measures.

Plate 7-2 within the application shows the location of diversion ditches and any sheet flow on the refuse pile will be properly conveyed to the sediment pond, siltation structures that encompass the operational area during mining.

kstorrar

Hydrologic Sediment Control Measures

Analysis:

The application meets the State of Utah requirements for Sediment Control Measures.

The application implements both a sediment pond and BTCAs to prevent sediment from leaving the permit area. These measures are discussed in multiple locations within the hydrology section and designs and maps are provided in Plates 7-1 through Plate 7-4.

kstorrar

Hydrologic Exemptions

Analysis:

The application meets the State of Utah R645 requirements for siltation structures.

The Best Technology Currently Available will be implemented at two locations where runoff cannot be directed into the sediment pond. The first area, ASCA-1, will treat runoff with a sediment fence and the second area, ASCA-2, will treat runoff with a vegetative filter.

kstorrar

Hydrologic Impoundments

Analysis:

The application meets the State of Utah R645 requirements for Siltation Structures.

The application includes a narrative, designs, and calculations for the total containment sediment pond at the site. The structure is designed and maintained to fully contain the total volume of runoff from the waste rock pile that is produced by two subsequent 100-year 24-hour rain events.

kstorrar

Hydrologic Ponds Impoundments Banks Dams

Analysis:

The application meets the State of Utah R645 requirements for Impoundments.

The application provides a narrative, calculations, and designs of the sediment pond. The pond is designed for total containment. The sizing takes into account sediment storage in addition to impounding two subsequent 100-year 24-hour event. The application includes a narrative and timeline for sediment removal from the pond. The impoundment includes an emergency spillway in the unlikely event that it discharges water.

kstorrar

Signs and Markers

Analysis:

The application meets the State of Utah R645 requirements for Signs and Markers.

The application satisfies the minimum requirements of R645-301-521.200 because in sections 5-12 and 5-13 narrative includes a general description of a permit identification sign at the junction of the access road and State Route 31. This sign will be maintained until after final bond release. Additionally, the disturbed area boundary will be marked with a fence, and all topsoil stockpiles will be marked with topsoil signs. Since there are no perennial or intermittent streams nearby, stream buffer zone markers are not required at this site.

jeatchel

Explosives General

Analysis:

The application meets the State of Utah R645 requirements for General Explosives.

The application satisfies the minimum requirements of R645-301-524 because section 5-13 asserts that explosives will not be used nor stored at this site.

jeatchel

Reclamation Plan

PostMining Land Use

Analysis:

The amendment meets the State of Utah R645-301-412 requirements for postmining land use. The description of the PMLU is located in Section R645-301-412.100 on pages 4-3 and 4-4. The proposed use is wildlife habitat. The plan explains how the proposed postmining land use is to be achieved through reclamation. The PMLU is consistent with county zoning ordinances and compatible with adjacent land uses. Castle Valley Mining LLC (CVM) owns the property where the site is located.

jhelfric

WildLife Protection

Analysis:

The amendment meets the State of Utah R645-301-342 requirements for a fish and wildlife plan for the reclamation and postmining phase of operation. Enhancement measures include seeding native and non-native plants that serve as valuable wildlife forage, (Page 3-11 and Table 3-1). The Division finds the proposed operation will not affect the continued existence of wildlife or destruction or adverse modification of their critical habitats as noted in Appendix 3-3, Letter from DWR.

jhelfric

Approximate Original Contour Restoration

Analysis:

The application meets the State of Utah R645 requirements for Approximate Original Contour Restoration.

The application may satisfy the minimum requirements of R645-301-553.110 through -553.150 by completing the following criteria: eliminating highwalls, spoil piles, and depressions, achieving a minimum long term static safety factor of 1.3 for final graded slopes, minimizing water pollution on and off the site, and support approved post-mining land use.

Page 5-34 states that highwalls and spoil piles do not exist at the site and the sediment pond will be removed and access road cut slopes backfilled to an extent feasible. Waste rock will be placed at a slope that achieves a minimum static safety factor of 1.8. Pages 5-27 through 5-29 describe in detail how surface treatments will be applied in order to minimize erosion and subsequent water pollution. Page 5-34 also states that reclamation efforts will be conducted in a manner that supports the post-mining land use of wildlife habitat.

jeatchel

Backfill and Grading General

Analysis:

The application meets the State of Utah R645 requirements for Backfilling and Grading.

The application satisfies the minimum requirements for reclamation earthwork as per R645-301-540. On pages 5-30 through 5-33 a detailed description of how the site will be backfilled and graded is given in accordance with R645-301-542.200. The entire narrative is devoted to how the Phase 1 areas of the site will be reclaimed, containing only material from the Deer Creek mine. Should Permittee plan to expand beyond the limits of Phase 1 with material from the Bear Canyon mine, a plan for backfilling, soil stabilization, and surface contouring will be required.

jeatchel

Mine Openings

Analysis:

The application meets the requirements of R645-301-631.200 regarding the permanent sealing of boreholes.

In accordance with R645-301-631.200 the operator must provide a discription of how each borehole will be plugged, capped, sealed, backfilled or otherwise properly managed. The application states that no mining or coal exploration will occur in the permit area so there are no boreholes that extend into a coal seam. The only boreholes are associated with water monitoring wells. They have added a statement that CFR 43 requirements will be followed when plugging and capping water monitoring wells. Plate 6-1 shows a water monitoring well and at least 3 drill holes (DH-1, DH-3 and DH-4) that are located within the permit boundary. These wells are relatively shallow and should be easily plugged when it comes time to reclaim the site.

dhaddock

Topsoil and Subsoil

Analysis:

The application meets the requirements of R645-301-240 Reclamation Plan, because there is a plan for replacement of topsoil and subsoil cover over the refuse.

Reclamation slopes will be 2h:1v (Section R645-301-536.200, p. 5-23 or e-pg. 202). Final reclamation topography maps are Plates 5-2 and 5-3. Section R645-301-542.300 states that cross sections are shown on Plates 5-4. (p.g 5-33 or e-pg. 212).

Section R645-301-240-242.100 (p. 2-10) describes reclamation wherein the first foot of topsoil is removed from the stockpiles to access the subsoil. Removed topsoil will be temporarily stockpiled while the waste is covered with subsoil. The subsoil will be scarified (R645-301-242.200, p. 2-11). Topsoil will be redistributed with track-mounted equipment. Topsoil redistribution will not occur when the soil is too wet to handle, due to the high clay content and sodicity of the soils. Total cover depth will be 35 inches (Section R645-301-542.200, p. 5-32, e-pg. 211). Fertilizer will be applied (R645-301-243, p. 2-11).

Reclamation of roads is described in Section R645-301-536.900 (p. 5-32 or e-pg. 211)

pburton

Road System Reclamation

Analysis:

The application meets the State of Utah R645 requirements for Road System Reclamation.

The application satisfies the minimum requirements of R645-301-542.600 because narrative on page 5-32 describes how the main access road will be reclaimed once it is no longer needed for reclamation activities within the permit area. Plates 5-2 and 5-3 provide plan and cross-sectional views of the entire length of access road. The cross-sectional views on Plate 5-3 provide an illustration of both the existing ground surface as well as the reclaimed ground surface along the entire length of road.

jeatchel

Road System Retention

Analysis:

The application meets the State of Utah R645 requirements for Road System Retention.

The application meets the minimum requirements of R645-301-534.140, R645-301-542.300, and R645-301-542.600 because narrative on pages 5-32 and 5-33 state that all roads will be removed during reclamation of the site. Since the approved post mining land use for this site consists of wildlife habitat, no structures will remain on site following reclamation.

jeatchel

Hydrological Information Reclamation Plan

Analysis:

The application meets the State of Utah R645 requirements for Reclamation Hydrology.

The application includes a timetable for sediment pond removal and reclaimed channel designs and calculations for routing water off of the waste rock pile. Table 5-1 states the sediment pond will be left in place for two years following reclamation. The channel locations and designs for conveying water off the reclaimed waste rock pile are shown on Plate 5-2 and in Appendix 7-9, respectively.

kstorrar

Revegetation General Requirements

Analysis:

The amendment meets the State of Utah R645-301-341 requirements for a revegetation plan. The reclamation plan for final revegetation is located in Chapter 3, R645-301-353, page 3-12. The plan describes how reclamation of the waste rock site meet the performance standards. The plan includes a schedule and timetable for seeding, seed mix (Table 3-1), planting methods, section 341.100, and mulching, section 341.200. Measures proposed to determine success of revegetation are identified in section 356.100, .200.

The amendment meets the State of Utah R645-301-353.100 requirements for vegetative cover. The revegetation plan is described in section 353.100 on page 3-12. The seed mix presented in Table 3-1 is intended to provide vegetative cover that will be diverse, effective, and permanent. The mix is comprised of species native to the area as well as introduced species recommended by the Utah Division of Wildlife Resources for enhancement of wildlife habitat. The seed mix was selected to be compatible with the climate, potential seedbed quality, and drought tolerance and should result in cover at least equal in extent to the reference site.

The amendment meets the State of Utah R645-301-356, 357.200 requirements for Standards for Success & Extended Responsibility Period. Chapter 3, Section 301-356.100, page 3-15 includes a quantitative and qualitative vegetation monitoring schedule for the 10 year liability period. Years 9 and 10 are required by rule and the vegetation in the reclaimed area and reference area is typically monitored (qualitively & quantitatively) in years 4 and 6 to insure the vegetation is growing adequately and can be treated if need be. Page 3-15 contains the required time table for vegetation monitoring. The seed mix in Table 3-1 on page 3-20 was changed to reflect the request of the Division of Wildlife Resources.

The period of extended responsibility will begin after the last year of augmented seeding, fertilization, irrigation, or other revegetation work, excluding husbandry if approved by the Division. The average annual precipitation is around 7-10 inches and therefore, the extended responsibility period will be 10 years.

jhelfric

Revegetation Timing

Analysis:

The amendment meets the State of Utah R645-301-542.100 for revegetation timing. Reclaimed areas will be revegetated during the first favorable period for planting as discussed in Section R645-301-542.100 and the Reclamation Timetable identified as plate 2 on page 5-27.

jhelfric

Revegetation Mulching and Other Soil Stabilization

Analysis:

The amendment meets the State of Utah R645-301-355 requirements for mulching and soil stabilizing. Mulching and soil stabilizing practices are identified in Section R645-301-355 on page 3-14. The area to be revegetated will be mulched during reclamation. The mulching, together with the seed mixture and surface roughening of the redistributed topsoil, should provide adequate erosion control.

jhelfric

Revegetation Standards for Success

Analysis:

The amendment meets the State of Utah R645-301-356 requirements for revegetation standards for success. Success standards are identified in Section R645-301-356 on page 3-15 and 3-16. Success will be determined by comparison to data obtained from the reference area shown on Plate 3-1. Final comparisons will involve random sampling of both the reference area and the revegetated site. Estimates of ground cover and density of woody plant species will be made for the revegetated areas and the reference areas. The PMLU is wildlife habitat.

jhelfric

Cessation of Operations

Analysis:

The application meets the State of Utah R645 requirements for Cessation of Operations.

The application satisfies the minimum requirements of R645-301-515.300 because narrative on page 5-8 describes procedures that will be followed once it is known that a temporary cessation of operations will last 30 days or more. Permittee will submit a notice of intention to the Division which includes a description of reclamation activities completed prior to cessation as well as maintenance and monitoring activities that will be carried out during the period of cessation. The gate at the entry to the site will be maintained closed and locked to prevent unauthorized access.

jeatchel

Maps Reclamation BackFilling and Grading

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation BackFilling and Grading Maps.

The application satisfies the minimum requirements of R645-301-542 because Plates 5-2, 5-3, and 5-4 include plan and section maps of the anticipated reclamation configuration for the main access road as well as the Phase 1 waste rock pile and sedimentation pond. The Division recommends that once construction of Phase 2 begins that these plates be amended to accommodate the expansion of the main waste rock pile as well as the addition of more material to the east once those volumes are known.

jeatchel

Maps Reclamation Facilities

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation Facilities Maps.

The application satisfies the minimum requirements of R645-301-542 because Plates 5-2, 5-3, and 5-4 include plan and section maps of the anticipated reclamation configuration for the main access road as well as the Phase 1 waste rock pile and sedimentation pond. The Division recommends that once construction of Phase 2 begins that these plates be amended to accommodate the addition of supplemental diversion structures around the newer volumes to the east of the main waste rock pile.

jeatchel

Maps Reclamation Final Surface Configuration

Analysis:

The amendment meets the State of Utah R645 requirements for Final Surface Reclamation Configuration Maps.

The application satisfies the minimum requirements of R645-301-542 because Plates 5-2, 5-3, and 5-4 include plan and section maps of the anticipated reclamation configuration for the main access road as well as the Phase 1 waste rock pile and sedimentation pond. The Division recommends that once construction of Phase 2 begins that these plates be amended to accommodate the expansion of the main waste rock pile as well as the addition of more material to the east once those volumes are known.

jeatchel

Maps Reclamation Certification Requirments

Analysis:

The application meets the State of Utah R645 requirements for Reclamation Map Certification.

The application satisfies the requirements of R645-301-512.100 because all maps and plates have been stamped, signed, and dated by J. Thomas Paluso, a registered professional engineer in the State of Utah.

jeatchel

Bonding and Insurance General

Analysis:

The application meets the State of Utah R645 requirements for General Bonding and Insurance.

The application satisfies the minimum requirements of R645-301-800 because chapter 8 includes a narrative describing the earthwork and revegetation required to fully reclaim the site. Also included are maps that illustrate locations of stockpiles, diversion structures, and other facilities identified within the permit area. A series of pages containing bonding calculations detail the individual reclamation costs escalated at 1.78% for the following 5 year term (until 2023). The attached bonding calculations include overhead and profit in the direct costs as per the State of Utah Technical Directive 007.

jeatchel

Bonding Determination of Amount

Analysis:

The application meets the State of Utah R645 requirements for Determination of Bonding Amount.

The application satisfies the minimum requirements of R645-301-830 because chapter 8 includes a narrative describing the earthwork and revegetation required to fully reclaim the site. A series of pages containing bonding calculations detail the earthwork required in twelve different sections of the permit area, including the main refuse pile and access road. There are no demolition calculations because there are no concrete or steel structures anywhere within the permit area. The attached bonding calculations include overhead and profit in the direct costs as per the State of Utah Technical Directive 007.

Since Permittee has plans to disturb beyond the current surface disturbance, there will arise a need to amend the reclamation bond in the future. Additional surface disturbance requires additional reclamation bonding coverage, and the posted reclamation bond must reflect this. The Division may require an amendment to the posted reclamation bond upon midterm permit renewal depending on how much new disturbance has occurred.

jeatchel

Bonding Terms and Conditions Liability Insurance

Analysis:

The application meets the State of Utah R645 requirements for Terms and Conditions for Liability Insurance.

The application satisfies the minimum requirements of R645-301-890 because appendix 1-2 contains a Certificate of Liability Insurance for the Insured, Castle Valley Mining, LLC. The policy is through National Union Fire Insurance Company Pittsburgh, PA, and Lexington Insurance Company, and was effective on 6/1/2018, expiring on 6/1/2019. It includes Commercial General Liability, Automobile Liability, and Umbrella Liability coverage.

Prior to final approval, the insured will be required to update the Description of Operations as Castle Valley Waste Rock Site C/015/0036, and indicate if XCU coverage (blasting insurance) is included.

Under Certificate Holder it would need to list the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, Utah 84114

jeatchel

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

November 2, 2018

TO: Internal File

FROM: Daron R. Haddock, Coal Program Manager

RE: Compliance Review for Section 510 (c) Findings, Castle Valley Mining, LLC

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of Castle Valley Mining, LLC. Castle Valley Mining, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

O:\015036.CVWR\PERMIT\2018 NEW\510C.DOC

1594 West North Temple, Suite 1210, Salt Lake City, UT 84116
PO Box 145801, Salt Lake City, UT 84114-5801
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UTAH DNR OIL, GAS & MINING

Entity Evaluation

There were no violations retrieved by the system

Entity Number:	250853
Entity Name:	Castle Valley Mining LLC
Date of Request:	11/2/2018 8:51:00 AM
Requestor:	

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

Violation Type	Violation Number	Violation Entities	Permit Number	Permitted State	Violation Status	Violation Date

Evaluation OFT

Entities: 37

247066 Yorktown VII Associates LLC - ()
---159223 Bryan H Lawrence - (Shareholder)
---159224 W Howard Keenan Jr - (Shareholder)
---247065 Yorktown VII Company LP - (Subsidiary Company)
------159222 Yorktown Energy Partners VII Lp - (Subsidiary Company)
---------159223 Bryan H Lawrence - (Controller)
---------159224 W Howard Keenan Jr - (Controller)
---------247069 Peter A Leidel - (Controller)
---------247070 Tomas R LaCosta - (Controller)
---------247071 Robert A Signorino - (Chief Financial Officer)
---------247071 Robert A Signorino - (Controller)
---------260081 Rhino Resource Partners Holding LLC - (Subsidiary Company)
----------159223 Bryan H Lawrence - (Manager)
----------159224 W Howard Keenan Jr - (Manager)
----------251401 Rhino Resource Partners L P - (Subsidiary Company)
----------159214 Rhino Energy LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)

----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------250853 Castle Valley Mining LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------253024 Scott Morris - (Chief Financial Officer)
----------253024 Scott Morris - (Treasurer)
----------253024 Scott Morris - (Vice President)
----------253270 Whitney Calvert Kegley - (General Counsel)
----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------253024 Scott Morris - (Chief Financial Officer)
----------253024 Scott Morris - (Treasurer)
----------253024 Scott Morris - (Vice President)
----------253270 Whitney Calvert Kegley - (General Counsel)
----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------260082 Bryan R Lawrence - (Manager)
------159223 Bryan H Lawrence - (Controller)
------159224 W Howard Keenan Jr - (Controller)
------247069 Peter A Leidel - (Controller)
------247070 Tomas R LaCosta - (Controller)
------247071 Robert A Signorino - (Chief Financial Officer)
------247071 Robert A Signorino - (Controller)
---247069 Peter A Leidel - (Shareholder)
---247070 Tomas R LaCosta - (Shareholder)
---247071 Robert A Signorino - (Shareholder)
247068 Yorktown VI Associates LLC - ()
---159223 Bryan H Lawrence - (Shareholder)
---159224 W Howard Keenan Jr - (Shareholder)
---247067 Yorktown VI Company LP - (Subsidiary Company)
------159223 Bryan H Lawrence - (Controller)
------159224 W Howard Keenan Jr - (Controller)
------247064 Yorktown Energy Partners VI LP - (Subsidiary Company)
---------159223 Bryan H Lawrence - (Controller)
---------159224 W Howard Keenan Jr - (Controller)
---------247069 Peter A Leidel - (Controller)
---------247070 Tomas R LaCosta - (Controller)
---------247071 Robert A Signorino - (Controller)
---------260081 Rhino Resource Partners Holding LLC - (Subsidiary Company)
----------159223 Bryan H Lawrence - (Manager)
----------159224 W Howard Keenan Jr - (Manager)
----------251401 Rhino Resource Partners L P - (Subsidiary Company)
----------159214 Rhino Energy LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)

----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------250853 Castle Valley Mining LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------253024 Scott Morris - (Chief Financial Officer)
----------253024 Scott Morris - (Treasurer)
----------253024 Scott Morris - (Vice President)
----------253270 Whitney Calvert Kegley - (General Counsel)
----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------253024 Scott Morris - (Chief Financial Officer)
----------253024 Scott Morris - (Treasurer)
----------253024 Scott Morris - (Vice President)
----------253270 Whitney Calvert Kegley - (General Counsel)
----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------260082 Bryan R Lawrence - (Manager)
------247069 Peter A Leidel - (Controller)
------247070 Tomas R LaCosta - (Controller)
------247071 Robert A Signorino - (Controller)
---247069 Peter A Leidel - (Shareholder)
---247070 Tomas R LaCosta - (Shareholder)
---247071 Robert A Signorino - (Shareholder)
253443 Yorktown IX Associates LLC - ()
---159223 Bryan H Lawrence - (Manager)
---159223 Bryan H Lawrence - (Shareholder)
---159224 W Howard Keenan Jr - (Manager)
---159224 W Howard Keenan Jr - (Shareholder)
---247069 Peter A Leidel - (Manager)
---247069 Peter A Leidel - (Shareholder)
---247070 Tomas R LaCosta - (Manager)
---247070 Tomas R LaCosta - (Member)
---247071 Robert A Signorino - (Manager)
---247071 Robert A Signorino - (Member)
---253632 Yorktown IX Company LP - (Subsidiary Company)
------159223 Bryan H Lawrence - (Partner)
------159224 W Howard Keenan Jr - (Partner)
------253436 Yorktown Energy Partners IX LP - (Subsidiary Company)
---------159223 Bryan H Lawrence - (Manager)
---------159223 Bryan H Lawrence - (Partner)
---------159224 W Howard Keenan Jr - (Manager)
---------159224 W Howard Keenan Jr - (Partner)
---------247069 Peter A Leidel - (Manager)
---------247070 Tomas R LaCosta - (Manager)
---------247071 Robert A Signorino - (Manager)
---------260081 Rhino Resource Partners Holding LLC - (Subsidiary Company)

----------159223 Bryan H Lawrence - (Manager)
----------159224 W Howard Keenan Jr - (Manager)
----------251401 Rhino Resource Partners L P - (Subsidiary Company)
----------159214 Rhino Energy LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------250853 Castle Valley Mining LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------253024 Scott Morris - (Chief Financial Officer)
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----------253024 Scott Morris - (Vice President)
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----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
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----------253024 Scott Morris - (Treasurer)
----------253024 Scott Morris - (Vice President)
----------253270 Whitney Calvert Kegley - (General Counsel)
----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------260082 Bryan R Lawrence - (Manager)
---260082 Bryan R Lawrence - (Member)
257878 E-Starts Money Company - ()
---257877 Royal Energy Resources Inc - (Subsidiary Company)
------088699 Richard Austin Boone - (Chief Executive Officer)
------088699 Richard Austin Boone - (Corporate Officer)
------251401 Rhino Resource Partners L P - (Subsidiary Company)
---------159214 Rhino Energy LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
----------157749 Richard Boone - (Director)
----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
----------250853 Castle Valley Mining LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
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----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
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----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
------251402 Rhino GP LLC - (Subsidiary Company)
---------157749 Richard Boone - (Chief Executive Officer)
---------157749 Richard Boone - (Director)
---------157749 Richard Boone - (President)
---------158796 Chad Hunt - (Corporate Officer)
---------159210 Elizabeth Branham - (Assistant Secretary)
---------159210 Elizabeth Branham - (Controller)
---------159210 Elizabeth Branham - (Vice President)
---------159223 Bryan H Lawrence - (Director)
---------251401 Rhino Resource Partners L P - (Subsidiary Company)
----------159214 Rhino Energy LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
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----------159223 Bryan H Lawrence - (Director)
----------250853 Castle Valley Mining LLC - (Subsidiary Company)
----------157749 Richard Boone - (Chief Executive Officer)
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----------157749 Richard Boone - (President)
----------158796 Chad Hunt - (Corporate Officer)
----------159210 Elizabeth Branham - (Assistant Secretary)
----------159210 Elizabeth Branham - (Controller)
----------159210 Elizabeth Branham - (Vice President)
----------159223 Bryan H Lawrence - (Director)
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----------253270 Whitney Calvert Kegley - (Secretary)
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----------253024 Scott Morris - (Chief Financial Officer)
----------253024 Scott Morris - (Treasurer)
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----------253270 Whitney Calvert Kegley - (General Counsel)

----------253270 Whitney Calvert Kegley - (Secretary)
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---------253270 Whitney Calvert Kegley - (Secretary)
---------253270 Whitney Calvert Kegley - (Vice President)
---------254558 Brian Aug - (Vice President)
---------257879 William L Tuorto - (Chairman of the Board)
---------257879 William L Tuorto - (Director)
---------257880 Brian Hughs - (Director)
---------257976 Douglas Holsted - (Director)
---------258014 David Hanig - (Director)
---------258063 Michael Thompson - (Director)
------253024 Scott Morris - (Chief Financial Officer)
------253024 Scott Morris - (Corporate Officer)
------253270 Whitney Calvert Kegley - (General Counsel)
------253270 Whitney Calvert Kegley - (Secretary)
------257879 William L Tuorto - (Chairman of the Board)
------257879 William L Tuorto - (Shareholder)
------257880 Brian Hughs - (Corporate Officer)
------257880 Brian Hughs - (Director)
---257879 William L Tuorto - (Shareholder)
260074 Yorktown VIII Associates LLC - ()
---159223 Bryan H Lawrence - (Manager)
---159224 W Howard Keenan Jr - (Manager)
---247069 Peter A Leidel - (Manager)
---247070 Tomas R LaCosta - (Manager)
---247071 Robert A Signorino - (Manager)
---260073 Yorktown VIII Company LP - (Subsidiary Company)
------254994 Yorktown Energy Partners VIII LP - (Subsidiary Company)
---------159223 Bryan H Lawrence - (Controller)
---------159224 W Howard Keenan Jr - (Controller)
---------247069 Peter A Leidel - (Controller)
---------247070 Tomas R LaCosta - (Controller)
---------260081 Rhino Resource Partners Holding LLC - (Subsidiary Company)
----------159223 Bryan H Lawrence - (Manager)
----------159224 W Howard Keenan Jr - (Manager)
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----------253270 Whitney Calvert Kegley - (Secretary)
----------253270 Whitney Calvert Kegley - (Vice President)
----------254558 Brian Aug - (Vice President)
----------257879 William L Tuorto - (Chairman of the Board)
----------260082 Bryan R Lawrence - (Manager)

Narrative

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Matt Ward, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com webwsite; the first publication was on the 31st day of July, 2018, and that the last publication of such notice was in the issue of such newspaper dated the 21st day of August, 2018

Matt Ward – Publisher

Subscribed and sworn to before me this 21st day of August 2018.

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, $ 264.00

LINDA THAYN
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 680835
COMM. EXP. 01-10-2019

NOTICE OF PERMIT APPLICATION
CASTLE VALLEY MINING, LLC

Notice is hereby given the Castle Valley Mining, LLC, P. O. Box 475, 5550 W. Bear Canyon RD. Huntington, UT 84528 has submitted an application to The Division of Oil, Gas and Mining ("the Division") to Permit the Deer Creek waste rock site (Formally owned And permitted by PacifiCorp) located approximately 6 miles northwest of Huntington, Utah. The permit area for this facility is located in Section 5 and 6, Township 17 S., Range 8E., SLBM and contains approximately 49.05 acres.

The division has determined that this application is administratively complete. A copy of the permit application is available for public inspection at the following locations:

Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 8411- 5801

Emery County Recorder Office
75 East Main, Room 104
Castle Dale, UT 84513

Written comments, objections, or a request for an informal conference regarding the above application should be directed to the Division at the above address within the next 30 days.
Published in the Emery County Progress July 31, August 7, 14, and 21, 2018.

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

6/1/2019

DATE (MM/DD/YYYY) 10/30/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Lockton Companies
Three City Place Drive, Suite 900
St. Louis MO 63141-7081
(314) 432-0500

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : National Union Fire Ins Co Pitts. PA	19445
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
1342749 Rhino Resource Partners, LP
PO Box 1169
Pikeville KY 41502

COVERAGES RHIRE **CERTIFICATE NUMBER:** 15705949 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER	N	N	3261614	6/1/2018	6/1/2019	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 2,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident)	$ XXXXXXX
							BODILY INJURY (Per person)	$ XXXXXXX
							BODILY INJURY (Per accident)	$ XXXXXXX
							PROPERTY DAMAGE (Per accident)	$ XXXXXXX
								$ XXXXXXX
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			NOT APPLICABLE			EACH OCCURRENCE	$ XXXXXXX
							AGGREGATE	$ XXXXXXX
								$ XXXXXXX
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		NOT APPLICABLE			PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$ XXXXXXX
							E.L. DISEASE - EA EMPLOYEE	$ XXXXXXX
							E.L. DISEASE - POLICY LIMIT	$ XXXXXXX

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: CASTLE VALLEY WRS C0150036. NAMED INSURED INCLUDES CASTLE VALLEY MINING LLC UNDER GENERAL LIABILITY, XCU COVERAGE INCLUDED.

CERTIFICATE HOLDER

15705949
DIVISION OF OIL, GAS AND MINING
1594 WEST NORTH TEMPLE, SUITE 1210
PO BOX 145801
SALT LAKE CITY UT 84114

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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