



# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil Gas and Mining

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

E-Mailed as PDF  
to Mr. Fulton 6/29/07 pm.

June 27, 2007

James Fulton, Chief  
Denver Field Division  
Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, CO 80202-5733

Re: Informal Program Amendment Pertaining to the Utah Coal Rules, R645-303-222,  
and Utah Code Annotated §40-10-12

Dear Mr. Fulton:

The Division of Oil, Gas & Mining hereby submits an informal program amendment to the Office of Surface Mining in conjunction with modifications made to the state statute and rules for Utah's Coal Regulatory Program. These modifications pertain to extensions to a permit area and enable their processing as a significant permit revision.

As noted in the Federal Register of June 8, 2006, this proposed rule change was originally submitted along with other rule changes in our letter dated November 28, 2005. During the review of these rule amendments, your office identified a concern with Utah Admin. Rule R645-303-222 not being consistent with the plain wording of U.C.A. §40-10-12(1)(c). Our division responded in a letter dated February 16, 2006 by withdrawing the change to R645-303-222 from the formal program amendment. During Utah's 2007 legislative session, S.B. 48 was passed and signed by the Governor with language that clarified the statutory authority for the rule.

Enclosed are a side-by-side analysis of the changes to the statute and the rules as compared to the federal citation, the full text of the rule amendment, and the full text of S.B. 48. Please provide comments or questions to Steve Schneider at 801-538-5328 or [steveschneider@utah.gov](mailto:steveschneider@utah.gov) in order to enable our division to promptly proceed with the filing of a formal program amendment on this matter.

Sincerely,

John R. Baza  
Director

Enclosures  
SLS:jc

