

0018

From: Daron Haddock
To: OGMCOAL
Date: 3/26/2009 1:56 PM
Subject: Fwd: UEI letter requesting extension
Place: OGMCOAL
Attachments: Request Extension.wpd; UEI LETTER TO DOGM RE EXTENSION REQUEST.pdf

Incoming
C/007/0013
#13253
OK

>>> "Marshall, Jay" <jmarshall@coalsource.com> 3/26/2009 12:27 PM >>>

Daron:

Please find attached the request for an extension from UEI.

Thanks for working with us.

Jay

R. Jay Marshall P.E.
Chief Engineer and Project Manager
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March 25, 2009
Via E-Mail and U.S. Mail

Mr. Daron Haddock
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

**RE: Request for Extension of Abatement Period—NOV 10036, Horse Canyon Mine
Permit No. C/007/0013**

Dear Mr. Haddock:

On behalf of UtahAmerican Energy, Inc. ("UEI") and in accordance with R645-400-324 we request an extension in the abatement period set forth in Notice of Violation No. 10036 ("NOV") (Permit No. C/007/0013) from Thursday, March 26, 2009 to Friday, April 10, 2009. By letter dated March 19, 2009, the Division rejected UEI's permit revision of conditions for working through wildlife exclusionary periods. Rather than providing UEI with an opportunity to review and respond to the Division's technical analysis of the permit revision, the Division immediately issued the NOV. UEI requests an extension of time to enable UEI and the Division to meet and review the technical deficiencies set forth in the Division's memorandum of March 11, 2009. Pursuant to R645-400-324, the Division may extend the time set for abatement of an NOV for up to ninety (90) days if the failure to meet the time previously set is not caused by lack of diligence on the part of the permittee. Because UEI had no opportunity to respond to the Division's technical adequacy review prior to issuance of the NOV, its request for an extension of time is justified. The extension will also allow the parties an opportunity to meet and clarify the nature of the alleged technical deficiencies in the proposed permit revision.

Jay Marshall and I are available to meet with the Division during the week of March 30, 2009, with the exception of Tuesday, March 31, 2009. Please let me know as soon as possible if the Division will exercise its discretion to extend the abatement period to allow for settlement discussions in this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc

cc: Jim Smith
Joe Helfrich
Steve Alder, Esq.