

0044

*Outgoing*  
*0070013*  
*#3408*  
*R*

**From:** Priscilla Burton  
**To:** Jay Marshall; OGMCOAL  
**CC:** Haddock, Daron; Helfrich, Joe; Steab, Suzanne  
**Date:** 11/30/2009 2:05 PM  
**Subject:** Horse Canyon 0070013 Outgoing NOV 10045 Modification of Abatement Date  
**Place:** OGMCOAL  
**Attachments:** N10045 Mod 2\_20091130140134.pdf

Hello Jay,

As per our telephone discussion on 11/24/2009 and your email of 11/25/2009, I have modified the abatement date for NOV 10045 to December 22, 2009. This is 90 days from the date of NOV issuance. The Utah Coal Mining Rules do not authorize me to provide any further extensions of time (see R645-400-324).

The abatement requirements remain the same as outlined in NOV 10045, with the exception of the 20 ft. buffer zone. That requirement was revised to require that you change the narrative of Section 234.200 of the MRP to remove the description of the 20 ft. buffer zone.

Please call me with any questions on the abatement requirements.  
Priscilla.

Priscilla Burton, CPSSc  
Division Oil Gas & Mining  
319 Carbonville Rd., Ste. C  
Price UT 84501  
(435) 613-3733



**Action Taken on Existing Citation  
Utah Coal Regulatory Program**

1594 West North Temple, Salt Lake City, UT 84114  
Phone: (801) 538 - 5285 Fax: (801) 359-3940

Action on Citation#: **10045**  
Permit Number: **C0070013**  
Date Cit. Issued:

**MODIFICATION** of  **TERMINATION** of  **VACATION** of

**NOTICE OF VIOLATION**  **CESSATION ORDER (CO)**  **FAILURE TO ABATE CO**

Permittee Name: UtahAmerican Energy Inc.	Inspector Number and ID: <b>37</b> <b>PBURTON</b>
Mine Name: Horse Canyon Mine	Date and Time of Action: <b>11/30/2009</b>
Certified Return Receipt Number: <b>emailed</b>	Date and Time of Service: <b>11/30/2009 1:30 pm</b>

*In accordance with the provisions of the Utah Coal Mining and Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the above referenced Citation is:*

**Modified as follows:**  
Abatement date is extended to December 22, 2009. All abatement requirements are as initially stated in NOV 10045 dated 9/23/2009, except that the Permittee will not be required to protect remaining undisturbed islands with a 20 ft. buffer zone, but instead will be required to change the narrative of Section 234.200 of the MRP to remove the description of the 20 ft. buffer zone.

**Reason for modification:**

Permittee requested extension of abatement time by email dated 11/25/2009, based upon the appeal of the fact of violation and assessment. The abatement date of December 22, 2009 is 90 days from the date of issuance (9/23/2009) and is the maximum abatement time allowed by R645-400-324. (The appeal conference date is December 16, 2009.)

The buffer zone commitment was recognized as impractical and was previously addressed by modification dated 11/2/2009.

**Terminated because:**

**Vacated because:**

**JAY MARSHALL**

(Print) Permittee Representative

**PRISCILLA BURTON**

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

*Priscilla Burton - 11/30/09*

**Refer to the "Citation For Non-Compliance" for additional information**