

Outgoing
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OGMCOAL - Modification of NOV 10090

From: April Abate
To: Dave Shaver
Date: 10/17/2011 10:04 AM
Subject: Modification of NOV 10090
CC: Daron Haddock; OGMCOAL@utah.gov
Attachments: 08292011.pdf; April Abate.vcf

Hi Dave,

Here is a copy of the modified version of the outstanding NOV for the GVH sites. You will note that the citation issue date is August 4, 2011. The original abatement action date was September 30, 2011. I briefed Daron on our field visit last week and discussed with him how to go forward with options to handle the outstanding reclamation work.

You can submit a formal request to extend the NOV out to 90-days to complete the abatement work. This will give you until November 4th. A letter explaining the circumstances as to why the abatement was not completed within the allowable time frame will need to be submitted in order for us to grant you the extension. You can send us an email, but will need to follow it up with a letter. After 90 days, if you still need more time, there is a provision in the rules allowing an extension beyond 90-days due to climate conditions, but that will require approval from the Director.

The other option would be to notify us that the original sediment control and weed control work has been completed at the specific area documented in the original NOV. Technically, we could terminate the NOV based on this notice. The remaining contemporaneous reclamation work will then be completed to get into compliance with your plan. Our annual inspection of the GVH sites will then serve as a means for the Division to keep tabs on the progress there and you will not be working "under a violation".

These are the options available to you. I will also give you a call to discuss this a little further.

Thank you Dave,
April

April A. Abate

Environmental Scientist III
Division of Oil, Gas and Mining
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T: 801.538.5214
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Starting Tuesday, September 6, 2011, our agency hours will be 8am-5pm, Monday-Friday.

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**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#: **10090**

Permit Number: **C0070019**

Date Cit. Issued: **08/04/2011**

MODIFICATION of

TERMINATION of

VACATION of

NOTICE OF VIOLATION

CESSATION ORDER (CO)

FAILURE TO ABATE CO

Permittee Name: **ANDALEX RESOURCES INC**

Inspector Number and ID: **60 AABATE**

Mine Name: **CENTENNIAL MINE**

Date and Time of Action: **08/29/2011 11:15 am**

Certified Return Receipt Number:

Date and Time of Service: **08/25/2011 11:00 am**

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:

Amended to include additional violations of the following Utah Administrative Code (UAC) Regulations: UAC R645-301-341 & 301-352; Failure to comply with contemporaneous reclamation provisions and timetable as outlined in Appendix X of the approved Mining & Reclamation Plan (MRP).

Reason for modification:

The above-listed violations were a result of the completed inspection of all gas vent well pad sites. The inspections took place over a two-day period: August 4, 2011 and August 25, 2011. Additional contemporaneous reclamation (at a minimum) is required to reduce the disturbance footprint at several of the gas vent well pad sites.

Terminated because:

Vacated because:

(Print) Permittee Representative

APRIL ABATE

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOG M Representative's Signature - Date

April Abate 8/29/2011

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