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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 22, 2016

Richard S. Parkins, General Manager
Fossil Rock Resources, LLC
225 North 5th Street, Suite 900
Grand Junction, Colorado 81501

Subject: Abatement of NOV #21173, Fossil Rock Resources, LLC, Fossil Rock Mine, C/015/0009, Task ID #5240

Dear Mr. Parkins:

The Division has reviewed your application. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application by no later than August 26, 2016.

If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs

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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0150009
TaskID: 5240
Mine Name: FOSSIL ROCK MINE
Title: ABATEMENT OF NOV#21173

General Contents

Permit Application Format and Contents

Deficiencies Details:

R645-301-120: The amendment does not meet the State of Utah R645 requirements for Clear and Concise.

The amendment is not filed in the format required by the Division. The amendment must be submitted in redline strike out form for all text added to the narrative.

The amendment includes changes and or additions to the narrative in Volume 4, Chapters 5 and up 7. The changes shift paragraphs causing the narrative to be duplicated or cutout if the amendment is incorporated into the MRP. The amended pages must be formatted to be seamlessly incorporated into the MRP.

The amendment appears to have included duplicate copies of figures. Only one copy of each figure should be included in the amendment.

kstorrar

Operation Plan

Hydrologic Diversion General

Deficiencies Details:

R645-301-742.312: The amendment does not meet the State of Utah R645 requirements for Diversions. The following deficiency must be addressed prior to final approval:

The amendment proposes six alternative ditch designs for Ditch DA in addition to leaving the original ditch design within the MRP for a total of seven scenarios. In general, alternative designs or scenarios may not be incorporated into an MRP in any circumstance because of the affects it has on bonding and the inspection and enforcement of inspectable units. Additionally, by definition a diversion must be, "constructed to divert water". Therefore the amendment must provide only one diversion design for incorporation into the MRP and the ditch must be constructed to this design.

kstorrar