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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

February 3, 2012

Outgoing
C0250005
3987
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Kirk Nicholes
Alton Coal Development, LLC
463 North 100 West, Suite 1
Cedar City, Utah 84720

Subject: Extension of Time to Abate NOV #10092, Alton Coal Development, LLC, Coal Hollow, C/025/0005

Dear Mr. Nicholes:

The Division received your request for extending the abatement period for Notice of Violation #10092 on January 20, 2012. Your request asked to extend the abatement to 30 days following Director Baza's decision on the fact of the violation which should be forthcoming following the January 17th Informal Conference.

As per R645-400-324, the Division may extend the time set for abatement up to 90 calendar days from the date of the issuance of the violation. Extending an abatement beyond 90 days requires special circumstances and must be authorized by the Director (see R645-400-327 & 328).

With this in mind and after our phone conversation of this morning, the Division will extend the abatement for scheduling the consultation with representatives from ACD, DOGM, DWR and FWS to February 24, 2012, and for ensuring that your revisions to appendix 3-5 are acceptable to participating agencies to March 5, 2012. Any extensions beyond this will require special authorization from Director Baza.

The Division encourages you to not wait for the outcome of Director Baza's decision on the violation but to complete the abatement requirements as quickly as possible. We understand you have had preliminary discussions with DWR and are in the process of scheduling a meeting with all of the agencies involved. We are confident that the revised abatement timeframes can be achieved and look forward to meeting with you and the other agencies to resolve this important issue.

If you have any questions regarding the violation or the abatement requirements, please call Joe Helfrich at (801) 538-5290 or myself at (801) 538-5325.

Sincerely,

Daron Haddock
Coal Program Manager

DRH/sqs
cc: Price Field Office
Joe Helfrich
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