

Outgoing

625005

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From: Suzanne Steab
To: Kirk Nicholes
CC: Daron Haddock; Joe Helfrich; OGMCOAL
Date: 2/14/2012 10:27 AM
Subject: Modification to NOV 10092
Attachments: Mod10092.pdf; 02032012.pdf

Hello,

Please see attached the Modification of NOV 10092 extending the abatement period as per the outgoing letter from Daron Haddock dated 2/3/12. (Also attached.)

Task #4000 submitted on 1/23/12, Addendum to Appendix 3-5, is still under review and is anticipated to be completed by 2/22/12.

A hard copy of the attached modification will be mailed.

Thanks!

Suzanne Steab, Office Specialist
Office of Oil, Gas and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801)538-5265
suzannesteab@utah.gov

Starting Tuesday, September 6, 2011, our agency hours will be 8am - 5pm, Monday - Friday.



**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#: **10092**

Permit Number: **C0250005**

Date Cit. Issued: **12/05/2011**

MODIFICATION of

TERMINATION of

VACATION of

NOTICE OF VIOLATION

CESSATION ORDER (CO)

FAILURE TO ABATE CO

Permittee Name: **ALTON COAL DEVELOPMENT LLC**

Inspector Number and ID: **1 JHELFRIC**

Mine Name: **COAL HOLLOW**

Date and Time of Action: **02/14/2012**

Certified Return Receipt Number:

Date and Time of Service:

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:

The submittal of the revision to appendix 3-5 received by the Division on January 23, 2012 did not include detailed plans describing the creation of a corridor between Hoyt's ranch and south Alton leks or an employee awareness program that included representation from the Division of Wildlife Resources. Therefor the time for abating the NOV is extended to March 5, 2012. This extension of time also includes ensuring that the revisions to appendix 3-5 are acceptable to participating agencies as noted in the correspondence from Daron Haddock to Kirk Nicholes dated Febtuary 3rd, 2012.

Reason for modification:

To allow the permittee additional time to address the deficiencies noted in the agency review of the revision to Appendix 3-5.

Terminated because:

Vacated because:

Kirk Nicholes

(Print) Permittee Representative

mailed from DOGM Salt Lake office

Permittee Representative's Signature - Date

JOE HELFRICH

(Print) DOGM Representative

Joseph G Helfrich 2/14/2012

DOGM Representative's Signature - Date

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



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

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
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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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