



OGMCOAL DNR <ogmcoal@utah.gov>

Fwd: Alton Coal Development - Request for Extension in Abatement Period, NOV10135

1 message

Dana Dean <danadean@utah.gov>
To: OGMCOAL DNR <ogmcoal@utah.gov>

Tue, Apr 8, 2014 at 4:16 PM

Dana Dean, P.E.
Associate Director - Mining
Utah Division of Oil, Gas and Mining

ogm.utah.gov

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----- Forwarded message -----

From: **Dragoo, Denise** <ddragoo@swlaw.com>

Date: Tue, Apr 8, 2014 at 4:14 PM

Subject: Alton Coal Development - Request for Extension in Abatement Period, NOV10135

To: "johnbaza@utah.gov" <johnbaza@utah.gov>, Dana Dean <danadean@utah.gov>, "darronhaddock@utah.gov" <darronhaddock@utah.gov>, Cassidy Wallin <kassidywallin@utah.gov>

Director Baza, attached on behalf of Alton Coal Development is a request for extension of time to abate NOV 10135 regarding the backfilling of Pit #6, Coal Hollow Mine Permit C/025/0005. Thanks for your assistance in this matter. Denise

Denise A. Dragoo

Snell & Wilmer L.L.P.

15 West South Temple

Suite 1200

SLC, UT 84101

Phone: 801-257-1998

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Snell & Wilmer

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 **2014 0408 ACD Ltr to J. Baza re NOV 10135 Abatement of Violation Extension
Request_19087696_1.PDF**
1697K

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Denise A. Dragoo
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April 8, 2014

DENVER
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LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

VIA HAND DELIVERY AND E-MAIL

Director John R. Baza
Utah Division of Oil, Gas & Mining
1594 West North Temple
Salt Lake City, Utah 84116

Re: NOV 10135 - Abatement of Violation: Extension Request To Complete Rough Backfilling and Grading of Pit #6; Alton Coal Development, LLC, Coal Hollow Mine Permit No. C/025/0005

Dear Director Baza:

On behalf of Alton Coal Development, LLC ("ACD") and pursuant to R645-400-317 and 318, we request an extension of time beyond 90 days to abate NOV 10135 issued on January 15, 2014 and modified on January 29, 2014. The original NOV required the rough backfilling and grading of both Pit # 6 and Pit # 9. ACD and the Division addressed Pit #9 in a permit change dated January 31, 2014 adding Drawing 5-10B to allow Pit #9 to remain open for access to highwall mining. See Drawing 5-10B attached as Exhibit A. As modified, the scope of the NOV relates only to the rough backfilling and grading of Pit #6. The current abatement deadline is April 17, 2014 and ACD requests an extension of the abatement period for 60 days, until June 17, 2014. ACD meets the requirements for an extension pursuant to R645-400-324, 327 and 328.

ACD has been working diligently to complete the backfilling of Pit #6 and failure to meet the April 7, 2014 deadline is not due to any lack of diligence by ACD. See R645-400-324. The backfill progress is set forth on the attached drawing showing that as of January 10, 2014, approximately 640,297 cubic yards of material needed to be filled and that in 68 days of backfilling, nearly 41% of the pit has been filled. See Drawing, attached as Exhibit B. Approximately 376,661 cubic yards remains to fill Pit #6 during the requested 60 day extension period. See Drawing, attached as Exhibit C.

Director John R. Baza
April 8, 2014
Page 2

Approximately 10 days of the extension period will be required to drain water which accumulated in Pit #6 due to adverse climatic conditions in the second half of 2013. See R645-400-327.400. An additional 50 days will be required to complete the rough backfilling and grading. The wet conditions have caused cracks which have created ground control conditions as shown in the photographs, attached as Exhibit D. ACD has delayed operations to fill the cracks and compact the soil to meet MSHA standards under 30 CFR Section 77.1000 regarding ground control of highwalls and pits. An extension request may be granted as set forth at R645-327-400 and 500 where, due to climactic conditions and soil cracking, abatement was not possible within the 90-days ending April 17, 2014. Abatement within this time period was delayed due to the need to assure soil stability to meet MSHA Standards and to avoid additional environmental harm from slope failure. Id. Backfilling has also been delayed due to the large amount of material required to fill the pit.

ACD requests that you exercise your authority as Division Director to grant the requested extension pursuant to R645-400-328.200. The sixty-day extension period is the shortest estimated time to drain accumulated water and complete the backfilling and grading of Pit #6. ACD meets the requirements of 645-400-324, 327 and 328 in that the requested extension of time has not been caused by ACD's lack of diligence or intentional delay. In fact, ACD has been backfilling the pit since January, 2014 and wet conditions and soil cracking have caused delays and safety hazards which have prevented completion of backfilling within the initial 90-day abatement period.

We appreciate your consideration of this request. ACD appreciates the opportunity to meet with you on Wednesday, April 9, 2014 to discuss this matter.

Very truly yours,

Snell & Wilmer

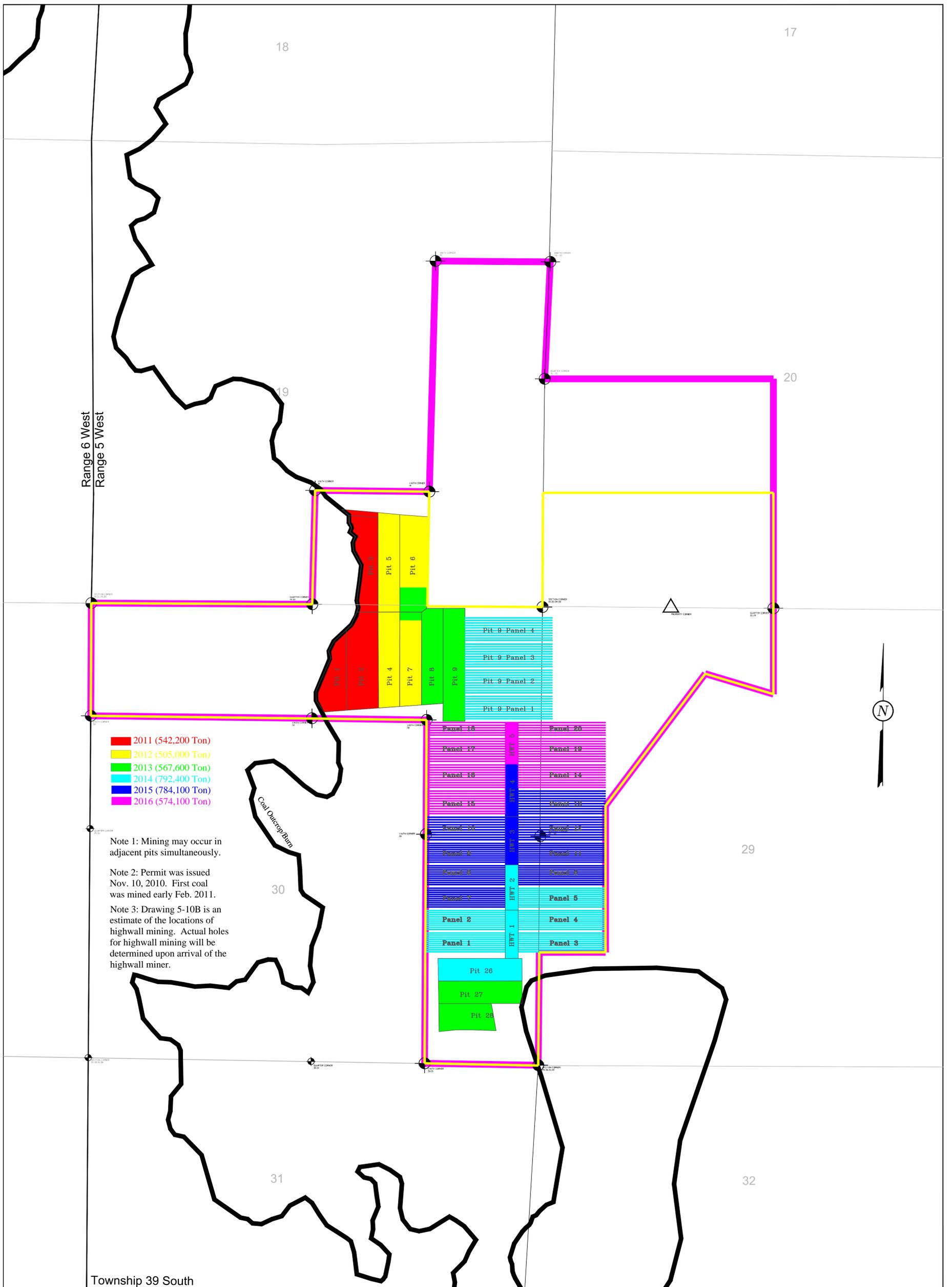


Denise A. Dragoo

DAD:mkm
Enclosure

cc: Dana Dean
Darron Haddock
Kass Wallin, esq.
Larry Johnson
Kirk Nicholes

EXHIBIT A



LEGEND:

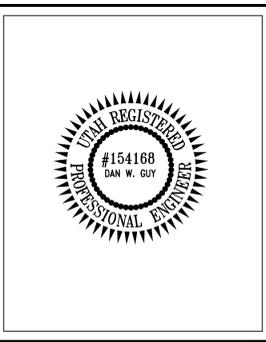
- PERMIT BOUNDARY
- PRIVATE COAL OWNERSHIP
- COAL LINE BOUNDARY
- COAL RECOVERY
- SECTION LINE
- FOUND SECTION CORNER
- FOUND PROPERTY CORNER

| | |
|-------------------------|---------------------|
| DRAWN BY: C. McCOURT | CHECKED BY: LWJ |
| DRAWING: 5-10B | DATE: 4/20/07 |
| JOB NUMBER: 1400 | SCALE: 1" = 500' |
| | SHEET |

| REVISIONS | |
|-----------|-----|
| DATE: | BY: |
| 1/30/14 | KN |
| | |
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| | |
| | |

COAL REMOVAL SEQUENCE
SURFACE & HIGHWALL MINING

COAL HOLLOW PROJECT
ALTON, UTAH
DRAWING: 5-10B



Non-Coal Development
Coal Hollow Project

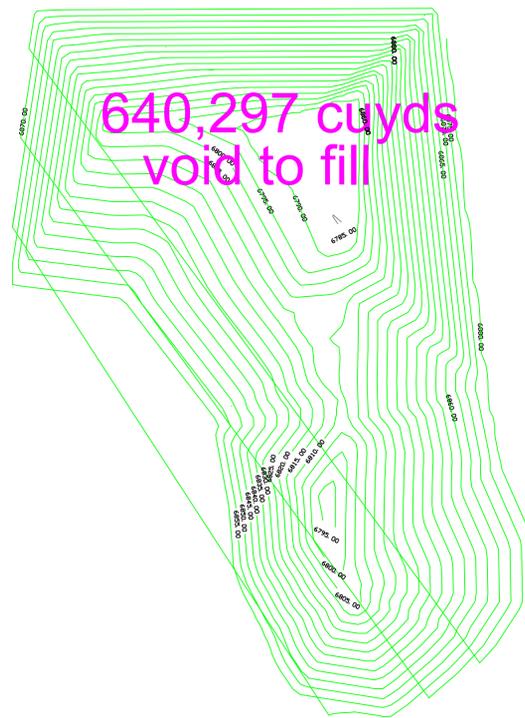
463 North 100 West, Suite 1
Cedar City, Utah 84721
Phone (435)867-5331
Fax (435)867-1192

EXHIBIT B

PIT 6 Backfill Progress

Citation #10135 issued Jan. 15 2014
Extension granted to April 17, 2014

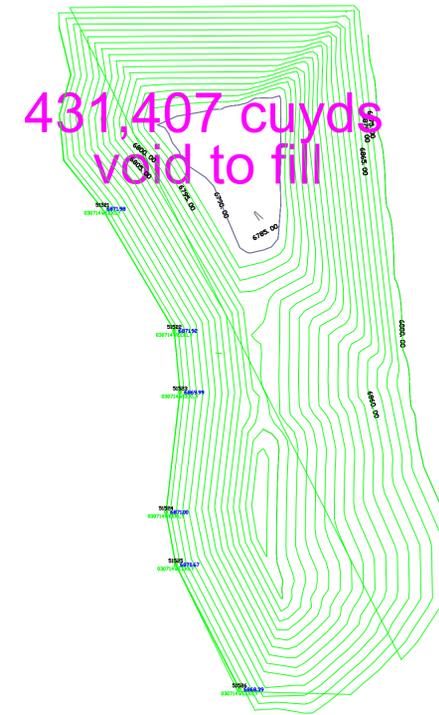
Jan. 10, 2014



Jan. 29, 2014



Mar 6, 2014



Mar 24, 2014



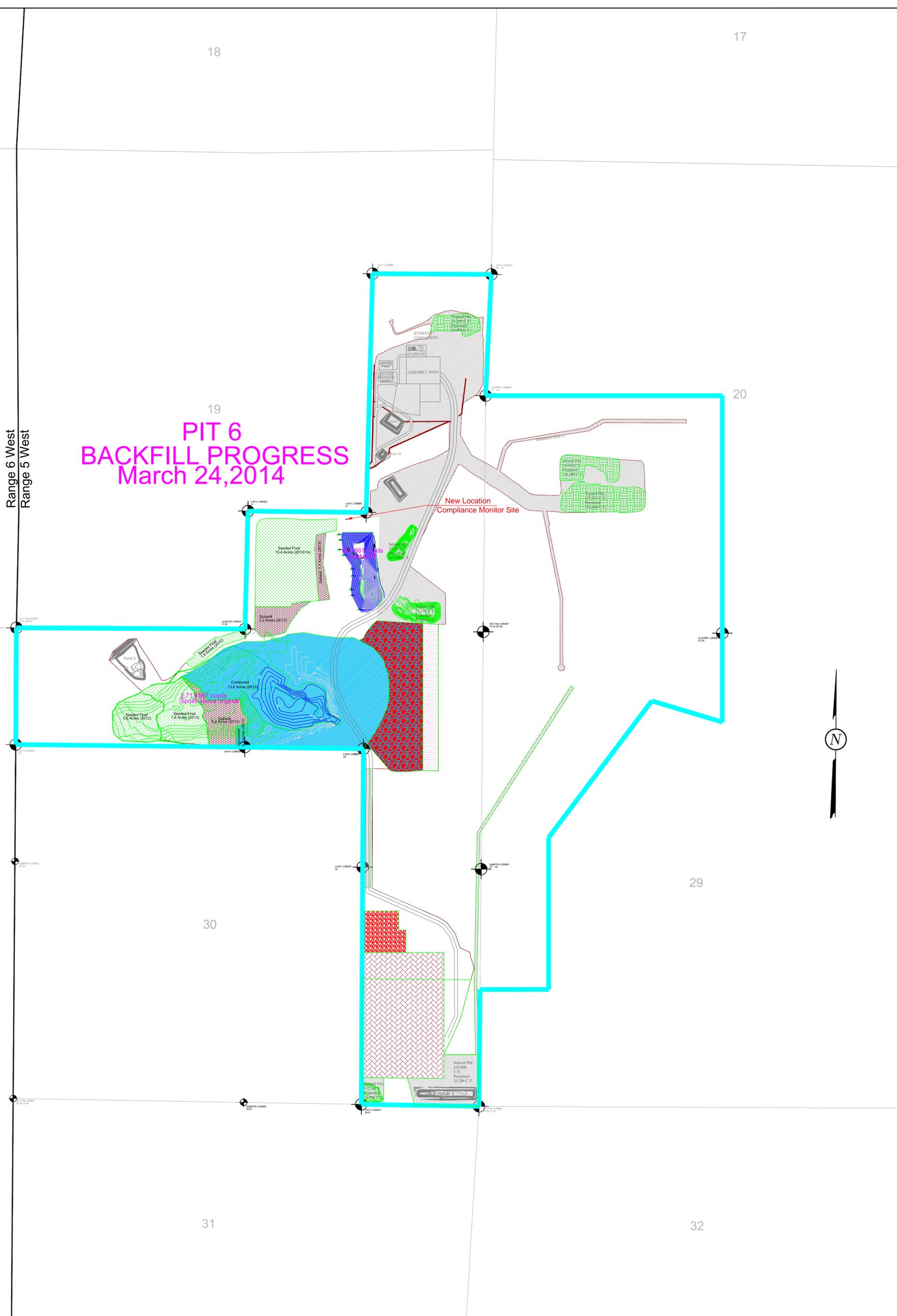
68 days of backfilling, 41% filled
Estimated 50 days past April 17th to finish

EXHIBIT C

Range 6 West
Range 5 West

**PIT 6
BACKFILL PROGRESS
March 24, 2014**

Township 39 South



LEGEND:

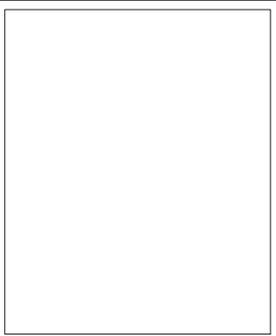
| | |
|--|-----------------------|
| | COAL LINE BOUNDARY |
| | SECTION LINE |
| | FOUND SECTION CORNER |
| | FOUND PROPERTY CORNER |

| | |
|-------------|-------------|
| DRAWN BY: | CHECKED BY: |
| K. NICHOLS | LWJ |
| DRAWING: | DATE: |
| | 4/20/07 |
| | SCALE: |
| | 1" = 500' |
| JOB NUMBER: | SHEET |

| REVISIONS | |
|-----------|-----|
| DATE: | BY: |
| 03/08/14 | KN |
| | |
| | |
| | |
| | |
| | |

MINING DISTURBANCE

**COAL HOLLOW PROJECT
ALTON, UTAH**



Alton Coal Development
Coal Hollow PROJECT

463 North 100 West, Suite 1
Cedar City, Utah 84721
Phone (435)867-5331
Fax (435)867-1192

EXHIBIT D



