



OGMCOAL DNR <ogmcoal@utah.gov>

NOV 16149 modification and Stream Alteration Permit

Priscilla Burton <priscillaburton@utah.gov>
To: OGMCOAL DNR <ogmcoal@utah.gov>

Mon, Jun 8, 2015 at 9:44 AM

Coal Hollow Stream alteration permit is out for public comment until June 15, 2015. You can read the application documents at the following [link](http://www.waterrights.utah.gov/cgi-bin/strmview.exe?Modinfo=Viewapp&Permit_Number=15850002).

http://www.waterrights.utah.gov/cgi-bin/strmview.exe?Modinfo=Viewapp&Permit_Number=15850002

I have modified the NOV to extend the abatement until August 27, 2015 as allowed by John Baza on May 27, 2015.

Priscilla Burton, MS, CPSSc
Environmental Scientist III
Utah Division of Oil, Gas & Mining
Price Field Office
phone: [435-613-3733](tel:435-613-3733)

4 attachments

-  **www.waterrights.utah.gov_cgi-bin_strmview.pdf**
157K
-  **E_JBaza 5272015 Extension of time to Abate NOV#16149, Coal Hollow Mine, C_025_0005.pdf**
168K
-  **NOV 16149 mod 4_001.pdf**
501K
-  **Letter to J. Baza re Request for Extension in Abatement Period, Coal Hollow Mine.pdf**
97K

Gateway Tower West
15 West South Temple
Suite 1200
Salt Lake City, Utah 84101-1531
801.257.1900
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www.swlaw.com

Denise A. Dragoo, Esq.
(801) 257-1998
ddragoo@swlaw.com

DENVER
LAS VEGAS
LOS ANGELES
LOS CABOS
ORANGE COUNTY
PHOENIX
RENO
SALT LAKE CITY
TUCSON

May 26, 2015

Via E-Mail

John Baza, Director
Utah Division of Oil, Gas & Mining
1594 West North Temple
Salt Lake City, Utah 84114-5801

RE: Request for Extension in Abatement Period, NOV-16149, Coal Hollow Mine, C/025/0005

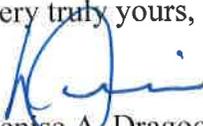
Dear Director Baza:

On behalf of Alton Coal Development, LLC (“Alton”), we respectfully request an extension of time in which to abate Notice of Violation #16149 (“NOV”) which required the operator to provide designs for the reconstruction of Lower Robinson Creek. Alton timely abated the NOV by submission of reconstruction designs which were accepted by the Division by letter to Kirk Nicholes dated May 15, 2015. However, the May 15, 2015 letter goes beyond the abatement required by the NOV to require the operator to complete construction within twelve (12) days from the date of the letter. Notably, the letter is not effective until service by certified mail, which reduces the time for abatement to an impossibly short period of time. The May 15, 2015 letter recognizes this short coming and suggests that the operator request from you an extension of time to abate the NOV.

While Alton contests the requested construction as being beyond the terms of abatement required by the NOV, the operator also meets the requirements for an extension of time to abate the violation. Pursuant to R645-400-327.100 and .400, an extension of time to abate the NOV is authorized because Alton timely applied for, and has diligently pursued approval of designs and plans to the approved mining and reclamation plan (“MRP”) for reconstruction of the Lower Robinson Creek. Following approval of the design by the Division on May 15, 2015, Alton submitted the required stream alteration permit with the Utah State Engineer. This application is still pending approval. Further, climatic conditions preclude abatement due to wet conditions. Therefore, Alton requests a 60 day extension of time to complete reconstruction work within the Lower Robinson Creek.

John Baza
May 26, 2015
Page 2

Thank you for your assistance in this matter.

Very truly yours,

Denise A. Drago

DAD

cc: Daron Haddock, Utah Division of Oil, Gas & Mining (via e-mail)
Steve Alder, Esq., Office of Utah Attorney General (via e-mail)



Priscilla Burton <priscillaburton@utah.gov>

Fwd: Extension of time to Abate NOV#16149, Coal Hollow Mine, C/025/0005

4 messages

Daron Haddock <daronhaddock@utah.gov>

Wed, May 27, 2015 at 9:42 AM

To: Priscilla Burton <priscillaburton@utah.gov>

Cc: "Dean, Dana" <danadean@utah.gov>, Steve Christensen <stevechristensen@utah.gov>

Priscilla,

I think this serves as John's approval of the extension of the NOV Abatement till August 27th, 2015. We probably should send a modification of the abatement to reflect the revised date. Thanks. Daron

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

From: **John Baza** <johnbaza@utah.gov>

Date: Wed, May 27, 2015 at 9:18 AM

Subject: Re: Extension of time to Abate NOV#16149, Coal Hollow Mine, C/025/0005

To: "Dragoo, Denise" <ddragoo@swlaw.com>

Cc: Daron Haddock <daronhaddock@utah.gov>, Steve Alder <stevealder@utah.gov>, Dana Dean <danadean@utah.gov>

Ms. Dragoo,

This morning you and I and Ms. Dana Dean discussed this matter. With the understanding that your client has properly applied for a Stream Alteration Permit from the office of the State Engineer, we agreed that it would be more appropriate to extend the NOV abatement from today (original due date for abatement) for an additional 90 days to August 27, 2015.

If you have any questions or concerns about this matter, please contact Ms. Dana Dean.

John Baza

John R. Baza, P.E.

Director

Utah Division of Oil, Gas and Mining

P.O. Box 145801

Salt Lake City, UT 84114-5801

Office ph. [801-538-5334](tel:801-538-5334)

On Tue, May 26, 2015 at 6:29 PM, Dragoo, Denise <ddragoo@swlaw.com> wrote:

Director Baza, attached on behalf of Alton Coal Development, LLC, please find our request for extension of 60 days to abate NOV #16149 regarding the reconstruction of the Lower Robinson Creek. Thanks for your consideration, Denise

Denise A. Dragoo

Snell & Wilmer L.L.P.

15 West South Temple

Suite 1200

SLC, UT 84101

Phone: 801-257-1998

Fax: 801-257-1800

Snell & Wilmer

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--

Daron R. Haddock

Coal Program Manager
Utah Division of Oil, Gas & Mining
(801) 538-5325

Priscilla Burton <priscillaburton@utah.gov>
To: Daron Haddock <daronhaddock@utah.gov>

Wed, May 27, 2015 at 9:53 AM

Daron,
Could you forward the attachment that Denise sent and I will refer to it in the modification.
Thanks,
Priscilla.

Priscilla Burton, MS, CPSSc
Environmental Scientist III
Utah Division of Oil, Gas & Mining
Price Field Office
phone: 435-613-3733

[Quoted text hidden]

Daron Haddock <daronhaddock@utah.gov>
To: Priscilla Burton <priscillaburton@utah.gov>

Wed, May 27, 2015 at 9:55 AM

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

From: **Dragoo, Denise** <ddragoo@swlaw.com>
Date: Tue, May 26, 2015 at 6:29 PM
Subject: Extension of time to Abate NOV#16149, Coal Hollow Mine, C/025/0005
To: John Baza <johnbaza@utah.gov>
Cc: Daron Haddock <daronhaddock@utah.gov>, Steve Alder <stevealder@utah.gov>

Director Baza, attached on behalf of Alton Coal Development, LLC, please find our request for extension of 60 days to abate NOV #16149 regarding the reconstruction of the Lower Robinson Creek. Thanks for your consideration, Denise

Denise A. Dragoo

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15 West South Temple

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--
Daron R. Haddock

Coal Program Manager
Utah Division of Oil, Gas & Mining
(801) 538-5325



Letter to J. Baza re Request for Extension in Abatement Period, Coal Hollow Mine.pdf
97K

Priscilla Burton <priscillaburton@utah.gov>

Wed, May 27, 2015 at 10:08 AM

To: Daron Haddock <daronhaddock@utah.gov>, Dana Dean <danadean@utah.gov>

It is after the fact, but I would like you (and John) to know that Denise's premise in her first para. is in error on two counts.

First, the modification to the violation was hand delivered and therefore was not sent by certified mail. A copy of the hand delivered modification was included with the approval letter.

Second, the NOV required construction to original design or certification of the new construction taking place on the ground. Since the work under construction could not be certified by a P.E., a complete new design was submitted...requiring further review by both the Division and DWRI. That is what used up their abatement time.

Priscilla Burton, MS, CPSSc
Environmental Scientist III
Utah Division of Oil, Gas & Mining
Price Field Office
phone: 435-613-3733

[Quoted text hidden]

Utah Division of Water Rights



STRMVIEW Stream Alteration Permit Viewer

Version: 2015.05.12.00 Rundate: 06/04/2015 05:19 PM

Stream Alteration Permit: 15-85-0002

[View Documents](#)[Exit Permit](#)

General 040 Permit

Applicant: ALTON COAL DEVELOPMENT, LLC
Receipt Number: 15-01807
Entity Type: Commercial
Agent: KIRK NICHOLAS
Address: 463 NORTH 100 WEST, SUITE 1
City: CEDAR CITY **State:** UT **Zip Code:** 84721 **Phone:** (435) 867-5331

Water Course: LOWER ROBINSON CREEK **WR/Change Number:**
County: Kane **Section:** 19 **Township:** 39S **Range:** 5W **Bem:** SL
Location: [COAL HOLLOW MINE, 2060 SOUTH ALTON, UTAH 84710](#) [Google View](#)

Project Type: New Realignment

Description:

Date Received: 05/26/2015
Date Distributed: 05/26/2015 **Comment Days:** 20

Comments:

Utah Division of Water Rights | 1594 West North Temple Suite 220, P.O. Box 146300, Salt Lake City, Utah 84114-6300 | 801-538-7240
[Natural Resources](#) | [Contact](#) | [Disclaimer](#) | [Privacy Policy](#) | [Accessibility Policy](#)



**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#: **16149**
Permit Number: **C0250005**
Date Cit. Issued: **01/26/2015**

<input checked="" type="checkbox"/> MODIFICATION of	<input type="checkbox"/> TERMINATION of	<input type="checkbox"/> VACATION of
<input checked="" type="checkbox"/> NOTICE OF VIOLATION	<input type="checkbox"/> CESSATION ORDER (CO)	<input type="checkbox"/> FAILURE TO ABATE CO

Permittee Name: ALTON COAL DEVELOPMENT LLC	Inspector Number and ID: 37 PBURTON
Mine Name: COAL HOLLOW	Date and Time of Action: 06/04/2015 5:33 pm
Certified Return Receipt Number:	Date and Time of Service: 06/04/2015 <i>emailed</i> 5:37 pm

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 abatement date has been extended to August 27, 2015 to allow time for obtaining the Stream Alteration Permit prior to construction (email from John Baza, 5/27/2015).

 A stream alteration permit application was filed on August 26, 2015.

 The stream alteration permit application 15-85-0002 is out for public comment until June 15, 2015.

Reason for modification:

Terminated because:

Vacated because:

KIRK NICHOLAS

(Print) Permittee Representative

PRISCILLA BURTON

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

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