



Suzanne Steab <suzannesteab@utah.gov>

Fwd: Extension Request and Informal Conference Request: Coal Hollow NOV 21174 and NOV 21174 modification

Daron Haddock <daronhaddock@utah.gov>
To: Suzanne Steab <suzannesteab@utah.gov>

Fri, Apr 8, 2016 at 5:04 PM

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

From: **Daron Haddock** <daronhaddock@utah.gov>

Date: Fri, Apr 8, 2016 at 5:03 PM

Subject: Re: Extension Request and Informal Conference Request: Coal Hollow NOV 21174 and NOV 21174 modification

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

Cc: Larry Johnson <ljohnson@altoncoal.com>, Andrew Christensen <drew@altoncoal.com>, Kirk Nicholes <knicholes@altoncoal.com>, Dana Dean <danadean@utah.gov>, Priscilla Burton <priscillaburton@utah.gov>

Denise,

Pursuant to your email request the Division hereby grants extensions of time for the abatement of Notice of Violation #21174 issued by Priscilla Burton on April 6, 2016. The extensions to the abatement are as follows:

1. Alton Coal Development is granted a one week extension to provide an amendment to the MRP which will clarify the progression of activity and actions to protect the public traveling through the mine site on the public county road. Abatement is now set to April 15, 2016.
2. ACD is granted an additional 30 days to obtain documentation from the County, should additional authorization for the use of County Road K3900 be needed. Abatement time is by May 9, 2016.
3. ACD is granted an extension of 30 days from the date of completion of the by pass road to complete the removal of Topsoil from Area 1. As the date of completion of the by pass road is unknown, this extension will only go to May 23, 2016. ACD is also granted until May 9, 2016 to complete the sediment control, certifications and any needed amendments pursuant to R645-110-115.

It is understood from your email that ACD is contesting some of the facts of the violations. We will schedule an informal conference as requested, wherein you may present your arguments. Please call me if you have any questions.

Sincerely,

Daron R. Haddock

On Fri, Apr 8, 2016 at 4:20 PM, Dragoo, Denise <ddragoo@swlaw.com> wrote:

Extension Request: NOV 21174, Coal Hollow Mine, Permit No.C/ 025/0005

Daron,

On behalf of Alton Coal Development, LLC, (ACD) and pursuant to R645-400-324, we request an extension of time to abate NOV 21174 and ask that the Division separate the alleged violations added to the Modification of NOV on April 6, 2016. The NOV and the Modification are unlawful, among other reasons, because they fail to establish a "reasonable time for abatement" as required by R645-400-322.

The Modification dated April 6, 2016 is invalid because it was served by e-mail rather than hand delivery or certified mail, per R 645-645-400 -341.200. We request an informal conference to contest the fact of violation of the NOV and Modified NOV.

Extensions are requested as follows:

1. NOV (hand delivered 4/6/16) Amendment to the MRP, Chapter 5 to state progression of activity and actions to protect the public traveling through the mine site: ACD requests an extension of one week to clarify the MRP, i.e. until Friday, April 15, 2016. ACD notes that the operator has taken the following action to protect the public traveling through the mine site: the county road is fenced from active mining operations, the operator has installed stop signs and warning signs in the area of the truck crossing, finally the operator agrees to stop hauling topsoil across the road. Further, by letter dated December 15, 2015, Kane County and ACD agreed to a speed limit of 25 mph and certain road specifications and operational requirements to assure safety.
2. Invalid Modification to NOV(e-mailed 4/7/16) This NOV Modification is invalid because it was inappropriately served. Notably, the MRP, Vol. 1 currently contains a letter from Kane County Transportation Department, dated December 15, 2015, which addresses public safety concerns and specifically provides "coal ore transportation will be allowed from this new site [the North Lease] southerly to the existing mine facilities on the current Kane County Road K3900]. If further authorization is required, ACD requests an extension of time of 30 days to obtain documentation from the County confirming that Kane County has authorized public travel through the site.
3. Invalid Modification to NOV ATTACHMENT (e-mailed 4/8/16) This NOV is invalid. However, the operator request the following extensions of time:

Complete removal of Topsoil: A 30-day extension is requested from the date of completion of the by pass road. ACD has temporarily ceased moving the topsoil to assure public safety.

Complete sediment control and certifications: A 30- day extension is requested.

Amendments to MRP re: R526-110-115: A 30- day extension is requested.

Thanks for your consideration, Denise

Denise A. Dragoo

Snell & Wilmer L.L.P.

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From: Priscilla Burton [<mailto:priscillaburton@utah.gov>]
Sent: Thursday, April 07, 2016 6:07 PM
To: Kirk Nicholes; Daron Haddock
Cc: OGMCOAL DNR
Subject: 0250005 Coal Hollow NOV 21174 and NOV 21174 modification

Hello Kirk,

I have attached a copy of the NOV issued yesterday during my inspection. In addition I am attaching a modification of the NOV and an attachment page which cites the abatement measures and time frames required to meet the performance standards of your permit. Timeframes for abatement are short to bring you into compliance quickly.

Priscilla Burton, MS, CPSSc
Environmental Scientist III
Utah Division of Oil, Gas & Mining
Price Field Office
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