



OGMCOAL DNR <ogmcoal@utah.gov>

0250005 Coal Hollow NOV 21174 and NOV 21174 modification

Priscilla Burton <priscillaburton@utah.gov>

Thu, Apr 7, 2016 at 6:07 PM

To: Kirk Nichols <knicholes@altoncoal.com>, Daron Haddock <daronhaddock@utah.gov>

Cc: OGMCOAL DNR <ogmcoal@utah.gov>

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
phone: [435-613-3733](tel:435-613-3733)

3 attachments

-  **NOV 21174_field issued 4062016.pdf**
775K
-  **NOV 21174 mod 1.pdf**
153K
-  **NOV 21174 modification attachment.pdf**
177K



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 21174 ^{Field Issued}

Permit Number: 025 0005

Date Issued: 4/6/16



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: Alton Coal Development

Inspector Number and ID: 37

Mine Name: Coal Hollow Mine

Date and Time of Inspection: 4/6/16 10:00 am

Certified Return Receipt Number: hand delivered

Date and Time of Service: 5:00 p.m.

Nature of condition, practice, or violation:

Failure to follow the approved plan in Area 1, MRP, Vol 3, Chap 5, pages 5-13 and page 5-21.
Page 5-13: County road to be completed prior to mining activity so that public is routed around the mine. Page 5-21: construction of haul road, ponds 5 and 6, subsoil pile, topsoil pile, and spoil pile all ditches and culverts completed

Provisions of Act, regulations, or permit violated: prior to mining in Pit 1 or development of Pit 1.

R 645-300-142



This order requires Cessation of ALL mining activities. (Check box if appropriate.)



Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.



Permittee has failed to abate Violation(s) included in Notice of Violation or Cessation Order within time for abatement originally fixed or subsequently extended.



This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: Yes No

Abatement Times (if applicable)

Action(s) required: Yes No

Amend the MRP Chapter 5 to state progression of activity and to include actions taken to protect the public traveling through the active mine site, with particular attention to statements made on pages 5-13 and 5-21.

B. Kirk Nicholas

(Print) Permittee Representative

Priscilla Burton

(Print) DOGM Representative

B. Kirk Nicholas

Permittee Representative's Signature - Date

Priscilla Burton 4/6/16

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information



**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#: **21174**
Permit Number: **C0250005**
Date Cit. Issued: **04/06/2016**

<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: 04/07/2016 3:00 pm
Certified Return Receipt Number: emailed 4/7/2016	Date and Time of Service: 04/07/2016 6:00 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:
In accordance with R645-301-115.300 and R645-103-234.100, by the end of business Monday April 11, 2016, provide documentation from Kane County authorizing public travel through the mine site, since the documents provided to date do not specifically authorize public travel through the site during mining.

Further abatement steps and time frames required to meet performance standards of the R645 Coal Mining Rules are listed on the attachment page sent by email along with this NOV 21174 Modification.

Reason for modification:
The NOV cites failure to follow the approved plan R645-300-142. Each performance standard violated was cited on the attached page in order to give more precise direction and a time frame for coming into compliance with performance standards of the approved permit.

Terminated because:

Vacated because:

KIRK NICHOLS <small>(Print) Permittee Representative</small>	PRISCILLA BURTON <small>(Print) DOGM Representative</small>
_____ <small>Permittee Representative's Signature - Date</small>	_____ <small>DOGM Representative's Signature - Date</small>

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

NOV 21174 issued on April 6, 2016 at 5:00 pm by Inspector #37 is modified on April 7, 2016 as follows:

R645-301-251 and MRP Section 232.600, By end of business **Friday April 8, 2016**: complete removal of all topsoil and subsoil from Area 1.

R645-301-752 and MRP Section 742.212, By end of business **Friday April 8, 2016 complete sediment control in Area 1 as follows**: Bring ditches D5, D6, and D7 to design standards in Appendix 5-12, Table 4 and Dwg 5-27. Construct Pond 5 and Pond 6 to designs on Dwg 5-67 and 5-68. i.e. pond embankment elevation, geotextile installation and outlets through to the County road and provide certified pond inspections for Ponds 5 and 6 during construction. By **Monday April 11, 2016**, Provide the final certified pond inspections for Ponds 5 and 6 stating construction on Pond 5 and pond 6 is completed.

R645-301-560, By the end of business **Monday April 11, 2016** provide the following amendments to the MRP:

Provide the certified inspections of the Excess spoil throughout critical periods of construction (MRP Section 514).

Revise Dwg. 5-48 showing the County road within the permit area and the temporary haul road to Pit 1 across a divided subsoil pile (MRP Section 521.100). State that unescorted access is allowed (MRP Section 521.123).

Elaborate on measures to be taken to protect the public now that initial development phase has transitioned to mining in pit 1 and public travel through the mine site will be allowed and mining will occur within 100 ft. of a public road (MRP Section 521.133 and Section 526.116).

Revise MRP Section 526-110-115 to indicate the public road bisects the permit area and provide a construction schedule for interim steps in construction of the south haul road and closure of the county road in accordance with R645-301-526.115.2. Show that the risk of harm to the public is not significant during the time when the public is traversing the mining area on the County road in accordance with R645-301-526.115.4.