Suzanne Steab <suzannesteab@utah.gov>

Extension Modification

Daron Haddock <daronhaddock@utah.gov> Mon, Apr 11, 2016 at 4:14 PM
To: Denise Dragoo <ddragoo@swlaw.com>, Andrew Christensen <drew@altoncoal.com>, K Nich <knicholes@altoncoal.com>
Cc: Dana Dean <danadean@utah.gov>, Suzanne Steab <suzannesteab@utah.gov>, Priscilla Burton <priscillaburton@utah.gov>

Denise,

After reviewing your request for extensions of time on the abatement for NOVs #21167 and #21174 with the assigned inspector, it appears I may have been too hasty in granting the extensions last Friday, April 8th. The Inspector, Priscilla Burton, has indicated that the timeframes she had set were not unreasonable and were within the ability of Alton Coal Development. In keeping with R645-400-324, the Division may extend the time set for abatement of an NOV, if the failure to meet the time previously set was not caused by lack of diligence on the part of the permittee. As it is the Division's responsibility to ensure compliance with the coal rules and the approved MRP, we feel that perhaps more attention must be given to the diligence requirement. As a result I am changing the extension to be more in line with the intent of the rule. The extension of time for all abatement measures for NOV 21174 is hereby set at the end of business on Friday April, 15, 2016. This is especially pertinent to this situation as it appears that mining operations are currently in process. I realize that this is retracting some of the extension that we previously granted, but we feel this is a reasonable compromise given the conditions at the site. Please be aware that sediment control must be in place and functioning prior to conducting other mining operations. Your plan calls for certain activities to be accomplished in a specific sequence. These abatement measures need to be done in order for you to proceed with the mining operations. Please be aware that our intent is only to facilitate the mining process and trying to achieve compliance as expeditiously as possible. This does not preclude you from requesting further extension, but we will need to evaluate the diligence factor at that time. We still recognize your request for an informal conference on this violation and we are in the process of setting that up.

As for NOV #21167, we again need to consider the diligence requirement and are retracting the April 15th extension and are replacing it with a new date. We feel a reasonable compromise on this abatement is to extend the date for submitting plans to April 20, 2016 and for implementation of the plans to begin April 30th and be completed by May 6, 2016. Again this does not preclude you from requesting further extensions, but we feel the abatement can be accomplished in this shorter time frame.

We will be sending out formal modifications to these NOV's which will reflect the revised abatement times. We will call you tomorrow morning to further discuss these changes and hopefully finalize the path forward, especially with regard to soil salvage. Please call if you have any questions regarding these abatement requirements.

Sincerely,

Daron R. Haddock

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Daron R. Haddock

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