

modification 2



**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**

- MODIFICATION of
 TERMINATION of
 VACATION of
 NOTICE OF VIOLATION
 CESSATION ORDER (CO)
 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: 04/12/2016	10:00 am
Certified Return Receipt Number: 7008 0150 0002 0896 5403	Date and Time of Service: 04/12/2016	11:30 am

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 extension of time for all abatement measures outlined in the modification dated 4/7/2016 which is incorporated and included in this second modification of NOV 21174, is hereby set at the end of business on Friday April 15, 2016. Including a signed agreement with Kane County acknowledging and accepting of mining within 100 feet of County Road 3900 and un-escorted public access on K3900 through the mine site as well as certifications for the excess spoil pile foundation preparation and for completed construction of Ponds 5 & 6 will be provided by April 15, 2016.
 One exception to the completion of topsoil salvage ^{by April 15,} is the South Haul Road, which will be begin by April 29 and be completed by May 6, 2015. The County Road bypass construction agreement will be available on site, upon request.
Reason for modification:
 An extension of time to abate the violation was the subject of several emails between Daron Haddock and Denise Dragoo, Esq. (dated April 8, 2016 and April 11, 2016). This modification reflects the time line agreed to by OGM and Alton Coal Development, Inc and their attorney during a conference call on April 12, 2016. This modification has been sent by certified mail.

Terminated because:

Vacated because:

KIRK NICHOLS

(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

modification 1



**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: 7008 0150 0002 0891 5403 emailed 4/7/2016 4/12/16	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
 (Print) Permittee Representative

Permittee Representative's Signature - Date

PRISCILLA BURTON
 (Print) DOGM Representative



DOGM Representative's Signature - Date

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

certified return receipt # 7008 0150 0002 0896 5403
date 4/12/16 at 11:30 a.m.

Modification 1, Attachment to NOV 21174 MODIFICATION April 7, 2016

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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.