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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

April 25, 2016

Certified Mail

7014 0150 0000 1193 5021

Kirk Nicholes  
Alton Coal Development, LLC  
463 North 100 West, Suite 1  
Cedar City, Utah 84720

Subject: Rejection of Plans to Abate NOV 21165 and NOV 21167 and Initial Completeness Review, Task ID #5165, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005

Dear Mr. Nicholes:

The Division received your application for the above-noted permit change on April 21, 2016. Pursuant to R645-303-221, the Division completed the requisite 15-day Initial Completeness Review (ICR) and denies this application for a technical review.

This application was submitted as abatement to both NOV 21165 and NOV 21167.

The as-built map provided to abate NOV 21165 was initially reviewed as Task ID #5152 and was returned deficient on April 7, 2016 after a field check of the map. The present Dwg 5-3B does not include culvert identification which was included on all previous versions of the map. This As-Built map is not acceptable for abatement of NOV 21165 and is being returned deficient. Abatement of NOV 21165 must therefore be extended. Tracking of NOV 21165 indicates that it was delivered on March 11, 2016. To date, 45 days have passed from the date of issuance. The third modification of NOV 21165 is attached. It extends the abatement period until May 2, 2016. If you will require additional time to create an accurate As-Built of Pit 10/the underground mine, you must request it through your inspector, Priscilla Burton, 435-613-3733.

The response to NOV 21167 cannot be accepted for review because the redline revisions to Appendix 5-2 state that all ditches conveying runoff to the sump area are sized, but ditches conveying runoff around Pit 10 have not been labeled or included in the diversion ditch summary table of Appendix 5-2. Consequently, all statements made concerning the grade of the ditches and the non-erosive flow in the ditches surrounding Pit 10 cannot be verified. Furthermore, Dwg 5-3C shows drainage control for Pit 10 occurring in bond release area Pit 9C (as shown on Figure 1 of the bond release application Task 5097).



Since these plans are unacceptable and do not provide adequate information for evaluation of ditches and appropriate sediment control measures, the abatement of NOV 21167 must be extended. Tracking of NOV 21167 indicates that it was delivered on March 9, 2016. To date, 47 days have passed. The third modification of NOV 21167 is attached. It extends the abatement time for a complete and adequate plan to be provided to the Division until May 2, 2016. If you will require additional time, you must request it of Priscilla Burton, 435-613-3733. (NOV 21167 is included as a subject of an informal conference on May 5, 2016.)

Sincerely,

A handwritten signature in black ink that reads "Daron Haddock". The signature is written in a cursive, flowing style.

Daron Haddock  
Program Manager

Attachment: Modification 3 of NOV 21165 and Modification 3 of NOV 21167  
PWB/Steve Alder  
cc: Price Field Office  
P:\GROUPS\COAL\WP\025005.COL\WG5165 ABATEMENT N21167\RejectionLtrTask5165FINAL.doc

Modification 3



**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#: **21165**  
Permit Number: **C0250005**  
Date Cit. Issued: **03/09/2016**

<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: 04/25/2016	3:55 pm
Certified Return Receipt Number: 7014 0150 0000 1193 5021	Date and Time of Service: 04/25/2016	4:00 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:**  
NOV 21165 is modified as follows:  
the complete and accurate as-built facilities map is due May 2, 2016.

**Reason for modification:**  
This modification results from the Initial Completeness Review of the as-built facilities map received on April 21, 2016.

Terminated because:

Vacated because:

**KIRK NICHOLES**

(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 3



**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#: **21167**

Permit Number: **C0250005**

Date Cit. Issued: **03/09/2016**

**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: **04/25/2016 4:00 am**

Certified Return Receipt Number: **7014 0150 0000 1193 5021**

Date and Time of Service: **04/25/2016 4:00 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:**

NOV 21167 is modified as follows:

The time allowed to submit sediment control plans to abate NOV 21167 is extended to May 2, 2016.

Implementation of those plans will be completed by May 13, 2016.

**Reason for modification:**

This modification results from the Initial Completeness Review of the amendment received on April 21, 2016.

**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