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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

June 28, 2016

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

Subject: Denial of abatement plans for NOV 21167 and Extension of Abatement, Task ID #5180, 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 May 9, 2016. This application for drainage control in Pit 10 (UG mine) was submitted as abatement to NOV 21167. The application has been reviewed and a few deficiencies have been noted in the attached findings. Please correct the deficiencies and return your application as soon as possible, as this action is still under the requirements of NOV #21167.

Since these plans are not acceptable at this point, the abatement of NOV 21167 must be extended. Tracking of NOV 21167 indicates that it was delivered on March 9, 2016. There have been four previous extensions for abatement time and we are now beyond the 90 day timeframe allowed for abatement.

Pursuant to R645-400-327, circumstances which qualify a coal mining and reclamation operation for an abatement period beyond 90 days include, when a permittee has applied for and diligently pursued approval of plans or designs. It is clear that ACD has been actively pursuing approval of the plans for abatement of NOV 21167, therefore the abatement period is extended to allow adequate time for required plans to be approved. The abatement is hereby extended 30 days beyond the 90th day. Required abatement is now due by July 11, 2016.

Please exercise all diligence in completing the required abatement. If you have any questions please call me at (801) 538-5334 or Daron Haddock at (801) 538-5325.

Sincerely,

John R. Baza
Director

JRB/DRH/ss
Attachement

cc: Daron Haddock
Priscilla Burton

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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0250005
TaskID: 5180
Mine Name: COAL HOLLOW
Title: DRAINAGE CONTROL MODS FOR PIT 10 (N21167)

Summary

On May 9th, 2016 the Division of Oil, Gas and Mining (the Division) received the amendment 'Drainage Control for Pit 10' in response to NOV 21167 at the Coal Hollow mine from Alton Coal Development (the Permittee). The amendment was assigned Task #5180. The Permittee has three tasks under review by the Division that are overlapping; they are Task #5200, #5180, #5203. By incorporating the tasks into the MRP in the order of the first being #5200, the second being #5180, and the third being #5203 the Division will be able to clearly and concisely track all red-line strike outs.

Deficiencies Details:

kstorrar

General Contents

Permit Application Format and Contents

Analysis:

The amendment does not meet the State of Utah R645 requirements for Clear and Concise.

The Facilities maps 5-3C and 5-3D are shown as being added in the table of contents, but the amendment only provides two copies of map 5-3C and does not provide map 5-3D.

The amendment includes narratives and calculations shown as black text that are not approved in the MRP. All narratives and calculations for 'Structure 3 PM' and the Pit 10 borrow area are under review in Task #5203. In order to simplify the current task, remove all references to Pit 10 borrow area.

Deficiencies Details:

R645-301-121.200; R645-301-121.300: The amendment does not meet the State of Utah R645 requirements for Clear and Concise. The following deficiencies must be addressed prior to final approval:

The Facilities maps 5-3C and 5-3D are shown as being added in the table of contents, but the amendment only provides two copies of map 5-3C and does not provide map 5-3D. The Permittee must include Map 5-3D in the amendment.

The amendment includes narratives and calculations shown as black text that are not approved in the MRP. All narratives and calculations for 'Structure 3 PM' and the Pit 10 borrow area are under review in Task #5203. In order to simplify the current task, remove all references to Pit 10 borrow area.

kstorrar

Operation Plan

Hydrologic Sediment Control Measures

Analysis:

Analysis:

The information required does not meet the requirements of R645-301-742.120 through R645-301-742.124 and R645-301-742.331 and the terms of abatement, because the plan described in MRP Appendix 5-2 and illustrated on Dwg 5-3C does not include the use of vegetation to protect bare slopes of the UG mine. Appendix 5-2 describes the 25.2 acres watershed that drains to the sump in the underground mine. The watershed is described by slope length and elevation drop. Slope lengths are between 90 and 490 feet. Elevation changes are between 20 and 90 feet. Watershed W-FO4 and W-FO1 have slopes of 72 and 75% respectively. Half of the watersheds have slopes greater than 20%. The plan should specify vegetation treatments on the bare slopes of the UG mine.

The plan describes treatment of ditches or culvert outlets having flows of 5 fps velocity (or greater) with erosion protection as needed. Thus erosion control should be specified in the plan for ditches P10-R04, P10-S02, and P10-R06 all of which have velocities of 5 fps or greater.

Deficiencies Details:

R645-301-742.124, The plan describes treatment of ditches or culvert outlets having flows of 5 fps velocity (or greater) with erosion protection as needed. Thus erosion control should be specified in the plan for ditches P10-R04, P10-S02, and P10-R06 all of which have velocities of 5 fps or greater.

R645-301-742.110 and R645-301-742.113, The plan describes slope lengths (up to 490 feet long) and elevation change (up to 90 ft) for the watershed and slopes of the UG mine. This plan must incorporate the best technology for erosion control on bare slopes, which is seeding/vegetation.

pburton