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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

July 27, 2016

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

Subject: Further Extension of NOV 21164 Beyond 90 Days Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005

Dear Mr. Nicholes:

The Division completed a review of your application to abate NOV 21164 on July 21. I understand that part of the abatement was to take some additional soil samples and that this was just requested in the July 21 review.

According to your email to Mr. Daron Haddock today, you are actively collecting the needed samples and expect to have all of them to the lab by the end of this week. You also indicated that the lab has committed to analyzing the samples by August 5 and you are requesting one additional week from that time to submit all remaining details to abate this NOV.

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 21164, therefore the abatement period is extended to allow adequate time for required plans to be submitted and approved. Your response is now due by August 12, 2016 and the abatement is hereby extended to August 22, 2016 to give the Division time to review and approve.

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/DD/ss  
cc: Daron Haddock  
Priscilla Burton  
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