Suzanne Steab <suzannesteab@utah.gov>

Here you are

Daron Haddock <daronhaddock@utah.gov> Fri, Oct 14, 2016 at 4:15 PM
To: Andrew Christensen <drew@altoncoal.com>, K Nich <knicholes@altoncoal.com>
Cc: Dana Dean <danadean@utah.gov>, Bob Nead <blbnead@altoncoal.com>, Suzanne Steab <suzannesteab@utah.gov>, Priscilla Burton <priscillaburton@utah.gov>

Kirk and Drew,
Here is the extension to NOV #21183. This should allow you time to complete the abatement requirements by addressing the deficiencies that are attached. Drew, thank you for coming in and going over the deficiencies in your plan. Please note that the attached deficiencies are a little different than what we went over this morning (although they are mostly the same). As discussed, we removed the the requirement for more detailed mapping as there is no regulatory requirement for such. Also, the commitment for an as-built survey is not necessary and was removed. I also recognize that you have a different view of the timeline requirement for topsoil and subsoil placement and seeding. We left these deficiencies in, realizing that you may refute them in order to allow you more flexibility during reclamation. We will evaluate your response when it comes in. Please make every effort to correct the deficiencies so that the NOV can be abated without further extensions. If you have questions about the deficiencies, contact Priscilla Burton at 435-613-3733 or me at 801-538-5325. We look forward to your response. Thanks. Daron
[Quoted text hidden]

—

Daron R. Haddock

Coal Program Manager
Utah Division of Oil, Gas & Mining
(801) 538-5325

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Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

October 14, 2016

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

Subject: Third Extension of NOV 21183 Beyond 90 Days, Alton Coal Development, LLC, Coal Hollow Mine, C/025/0005, Task ID #5201

Dear Mr. Nicholes:

The Division has reviewed your latest information submitted on September 23, 2016 to abate NOV 21183 and has found deficiencies. In order to give you the opportunity to respond to those, it will be necessary to extend NOV 21183 once again.

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 responded as requested within 1 week to the previous deficiencies and the Division took the rest of the extension time to review the response. The abatement period is extended to allow adequate time for you to respond to the newest deficiencies. Your response is now due by October 19, 2016. The Division is ordered to review it and provide deficiencies or approve by October 24, 2016 and the abatement is extended to November 7, 2016 for administrative purposes.

Please exercise all diligence in completing the required abatement with your submittal on October 19th, there is no guarantee of further extension for this NOV. 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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UTAH DNR OIL, GAS & MINING

List of Deficiencies
Pit B1 Borrow Area (NOV) 21183
Task ID #5278
October 14, 2016

General Contents

Permit Application Format and Contents

R645-400-326, The plans do not provide abatement of NOV 21183, because; Spoil volume available for Pit 10 and Pit 9C reported on Drawing 5-35 should take into account the volume required for reclamation of the temporary diversion of Lower Robinson Creek; because the plans do not describe the method to provide compaction; and because there is no reclamation timeline provided for the major steps of subsoil and topsoil placement.

R645-301-121.100, Specific details of the interim reclamation of pit B1 which are partially described in Appendix 2-4 and Chapter 5 must be referenced in MRP Chapter 2 and elaborated upon as necessary to meet soils requirements of the Utah R645 Coal Rules.

Operation Plan

Topsoil and Subsoil

R645-301-234 and R645-231.100, Provide Drawing 2-2 illustrating details as stated in Section 234.230. Explicitly state whether all topsoil salvaged from Pit B1 will remain stockpiled until final reclamation of Pit 10 or if some will be used to reclaim the final 3h:1v slope above Pit B1. State the area to be covered and volume required for this slope.

R645-301-234.230, Remove statements from Section 244.100 such that it is clear all topsoil stockpiles will be seeded immediately upon completion of the soil salvage.

R645-301-121.200 and R645-301-233.100, The plan describes cultivating substitute topsoil to a depth of twelve inches and storing subsoil for redistribution over the 36+ acre borrow area. The plan also describes testing replaced soil in Pit B1 to a depth of four feet. Please state the source of subsoil to be used for redistribution over the 36.2 acre greater borrow area. (Will this subsoil come from a stockpile or from cultivated subsoil as implied by the testing program?)

Reclamation Plan

Topsoil and Subsoil

R645-301-234 and R645-301-231.100, Chapter 5 describes a 3h:1v slope above the operational Pit B1 that will receive final reclamation after mining Pit B1. This final reclamation step is not mentioned in Chapter 2 or Appendix 2-4. Provide further details in Chapter 2 regarding the subsoil and topsoil

volumes required for final reclamation of this slope, the source and handling of that topsoil and subsoil, and the stabilization of the soil.

R645-301-241 and R645-301-542.100, For final and interim reclamation of Pit B1, as well as final borrow area reclamation, include timing of placement of topsoil upon subsoil and the timing of seeding.

R645-301-242.200, Revisions in Chapter 3 removed commitments to reduce excessive compaction (Section 341.220). These commitments should be added back in to Chapter 2.

Reclamation Plan

Stabilization of Surface Areas

R645-301-121.200 and R645-301-234.240 and R645-301-240, Please state in Chapter 2 the details of final reclamation for the 3h:1v slope of Pit B1 above the Pit B1 operational 1h:1v slope. What is the area? Detail the area in the timing of reclamation. Show the final area to receive treatment on a reclamation map. What are the soil stabilization procedures?