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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

October 17, 2012

Ken May, General Manager
Canyon Fuel Company, LLC
597 South SR24
Salina, Utah 84654

Subject: Vacation of Notice of Violation #10098, Sufco Mine, Canyon Fuel Company, LLC, C/041/0002,

Dear Mr. May:

After further review of the facts surrounding NOV #10098 issued to Canyon Fuel Company on October 10, 2012, a determination has been made to vacate the violation. Please see the enclosed vacation notice.

We understand that Canyon Fuel believed that they had been given approval to proceed with the construction of a fan pad even though the written approval did not arrive until after the pad been built. While it is conceivable that Canyon Fuel could have interpreted our verbal communication as an approval, we want to emphasize that our approvals are almost always done in writing (at least an email). In the future we expect Canyon Fuel to obtain written approval prior to proceeding with construction of a mining and/or reclamation facility. If there is any question regarding authorization to proceed with construction, please contact us so that we can clear up any confusion.

In order to avoid this type of situation in the future we would like to meet with you and your environmental staff to go over the amendment process. Open communication is the key to understanding what is expected of Canyon Fuel as well as the Division. Please let us know where and when you and your staff could meet with us.

Thank you for your help during this process. If you have any questions, please feel free to call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/sqs
Enclosure
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