

0009

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November 15, 1988

APPLICATION FOR REVIEW OF NOTICE
OF VIOLATION AND ASSESSMENT

RECEIVED
NOV 15 1988

DIVISION OF
OIL, GAS & MINING

¹ ALSO MEMBER ARIZONA BAR
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⁵ REGISTERED PATENT ATTORNEY

Secretary
Board of Oil, Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Notice of Violations N88-30-2-1, Sunnyside Barrow Area
Sediment Pond, Sunnyside Mine Refuse Area, ACT/007/007, Folder
#5, Carbon County, Utah

To the Board of Oil, Gas & Mining:

Pursuant to UMC § 845.19 Sunnyside Fuels Corporation hereby requests review before the Board of Oil, Gas & Mining of the above-referenced Notice of Violation and Assessment proposed thereunder received by Environmental Power Corporation, SFC's parent, on October 17, 1988 and November 7, 1988, respectively. Sunnyside Fuels Corporation requests review for the following reasons:

1. Sunnyside Fuels Corporation is the owner of the Sunnyside Mine Refuse Area and is a wholly-owned subsidiary of Environmental Power Corporation; thus SFC is the real party in interest.
2. SFC was not aware of the occurrence of the alleged violation(s) until it received the above-referenced Notice of Violation on October 17, 1988 and consequently has not had the opportunity to fully evaluate the nature of the alleged violation(s) and proposed compliance procedures.
3. Within the next two (2) years SFC intends to begin operations in the refuse pile area in connection with operation of a 45 megawatt power plant to be built on adjacent property. SFC would like the opportunity to evaluate the proposed sedimentation pond in

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view of future operations to insure proper integration of water quality and reclamation requirements into its operation plan.

4. SFC would like the opportunity to explore interim and less expensive abatement options.

5. SFC has not had the opportunity for conference with the Division as required by UMC § 843.12(2).

Thank you for your attention to this matter. Please contact the undersigned with your questions regarding the above or if you need any additional information.

Very truly yours,

CALLISTER, DUNCAN & NEBEKER



Steven R. Ellinwood

SRE/jr
cc: Robert E. Barton (EPC)
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