

0045



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

orig cel
file (mine)
10/2/91
h. Broxton
TAKE PRIDE IN AMERICA

In Reply Refer To:

May 29, 1991

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 965 799 190

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Notice (TDN) 91-02-244-3 (TV-6) Sunnyside Mine, Sunnyside Coal Company, Utah

Dear Dr. Nielson:

The following is in response to the Division of Oil, Gas and Mining's (DOGM) May 13, 1991, letter regarding the above-noted TDN. The letter was received by the Albuquerque Field Office (AFO) on May 16, 1991, and addresses AFO's second finding dated May 1, 1991. Additional documentation was needed for alleged violations 2 of 6 and 6 of 6 of the above-mentioned TDN. In accordance with the second AFO finding for the alleged violation 2 of 6, DOGM was to send drawings and supporting information for the approved spillway systems on the slurry ponds and clearwater pond noted in the TDN.

AFO has reviewed all information submitted by DOGM and finds no further documentation is needed regarding this matter. The recent certification of the structures resolves the need for the issuance of a Notice of Violation by DOGM, at this time. However, DOGM's failure to take appropriate action during the TDN response period, as explained in AFO's findings of April 8 and May 1, 1991, constituted an inappropriate response and will be recorded as such.

No further action is required regarding alleged violation 6 of 6, and DOGM's response will remain appropriate.

If you wish to discuss the matter further, please contact Steve Rathbun or me at (505) 766-1486.

Sincerely,


Robert H. Hagen, Director
Albuquerque Field Office

RECEIVED

MAY 31 1991

DIVISION OF
OIL GAS & MINING