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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
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Division Director

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3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

September 9, 1991

Joe Fielder
Sunnyside Coal Company
P.O. Box 99
Sunnyside, Utah 84539

Dear Mr. Fielder:

Re: Division Order, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007-DO-91B, Folder #3, Emery County, Utah

Enclosed please find a Division Order and Finding of Permit Deficiency for the Sunnyside Mine. If in your review of this Order you have any questions, please call me or Pamela Grubaugh-Littig.

Sincerely,

A handwritten signature in cursive script that reads "Lowell P. Braxton".

Lowell P. Braxton
Associate Director, Mining

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Enclosure

cc: Pamela Grubaugh-Littig
Joe Helfrich
Tom Munson
Bill Malencik
Henry Sauer

AT007007.91B

CERTIFIED RETURN RECEIPT
P 074 979 125

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Joe Fielder
Sunnyside Coal Company
Sunnyside Mine
P.O. Box 99
Sunnyside, Utah 84539

ORDER & FINDINGS
of
PERMIT DEFICIENCY

PERMIT NUMBER ACT/007/007
DIVISION ORDER # DO-91B

PURSUANT to R614-303-212, the DIVISION ORDERS the PERMITTEE, Sunnyside Coal Company, to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R614-303-220.

Findings of Permit Deficiency

Regulation Citation

Sediment Ponds

742.223. Sedimentation ponds not meeting the size or other qualifying criteria of the MSHA, 30 CFR 77.216(a) will provide a combination of principal and emergency spillways that will safely discharge a 25-year, 6-hour precipitation event. Such ponds may use a single spillway if the spillway is:

742.223.1. An open channel of nonerrodible construction and capable of maintaining sustained flows; and

742.223.2. Not earth- or grass-lined.

Impoundments

743.110. Impoundments meeting the criteria of the MSHA, 30 CFR 77.216(a) will comply with the requirements of 77.216 and R614-301-512.240, R614-301-514.300, R614-301-515.200, R614-301-533.100 through R614-301-533.600,

R614-301-733.220 through R614-301-733.224, and R614-301-743. The plan required to be submitted to the District Manager of MSHA under 30 CFR 77.216 will also be submitted to the Division as part of the permit application.

- 743.120. The design of impoundments will be prepared and certified as described under R614-301-512. Impoundments will have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.
- 743.130. Impoundments will include a combination of principal and emergency spillways which will be designed and constructed to safely pass the design precipitation event specified in R614-301-743.200 or R614-301-743.300.
- 743.200. The design precipitation event for the spillways for a permanent impoundment will be a 50-year, 6-hour precipitation event, or such larger event as the Division may require.
- 743.300. The design precipitation event for the spillways for a temporary impoundment is a 25-year, 6-hour precipitation event, or such larger event as demonstrated to be needed by the Division.

Permit Deficiency

The following ponds or impoundments have been noted as having only one standpipe emergency spillway and a decant or no spillways, not meeting the requirements of the new rules for sediment ponds or impoundments.

Twinshafts (001)	#3 Hoist House (013)
Old Whitmore (002A)	Slurry Cell #1
New Whitmore (002B)	Slurry Cell #2
Clear Water Pond (004)	East Slurry Cell
Manshaft (006)	West Slurry Cell
Railcut (007)	
Old Coarse Refuse Road (008)	
Pasture	
Lower #2 Canyon (010)	
Upper #2 Canyon (011)	

Information required to be submitted

The operator must submit plans to rebuild those sediment ponds and impoundments to meet the requirements of the rules.

Order

Sunnyside Coal Company is ordered to make the requisite permit changes in accordance with R614-303.220, and to submit a complete application for permit change to address the findings of permit deficiency within 30 days of receipt of this order. Approval by the Division must be obtained within 60 days of receipt of this order. All approvals not obtained within 60 days may result in a hindrance violation unless a request for extension has been obtained by the Director.

Ordered this 9th day of September, 1991, by the Division of Oil, Gas and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining

jbe
cc: Tom Mitchell
Joe Helfrich
DIVISORD.FIN