UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/007/002

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 2 of 5 is ☐ vacated ☑ terminated because certified maps were submitted on November 22, 1993.

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service/mailing 12/9/93 Time of service/mailing 3:30 ☐ a.m. ☒ p.m.

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

PAMELA GRUBAUGH-LITTIG
Division of Oil, Gas & Mining

Permit Supervisor
Title

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

an equal opportunity employer

5/85

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Gd I do not support.

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99 Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 2 of 5 is modified as follows: Abatement date is extended to November 22, 1993, see attached memo from Lowell Braxton dated October 27, 1993.

Reason for modification is

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing _____ Time of service/mailing _____ ☐ a.m. ☐ p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GREENBAUGH-UTAG, Permit Supervisor
Division of Oil, Gas & Mining Title

Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE/OPERATOR GOLDENROD – NOV FILE

DOGM/MVC-1 cc: Henry Sauer an equal opportunity employer Rev. 12/86 001059

Nov Sile 10238
CT/007/007

NNYSIDE COAL COMPANY

INVOICE NO.	DATE	REFERENCE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
3-32-2-E	07/30/93	081693	640.00		640.00
3-32-2-E	07/30/93	081693	440.00		440.00
CT/007/007					
		TOTALS	1,080.00		1,080.00

ECK NO. 010238
NDOR 00047E DIV. OF OIL, GAS & MINING

SUNNYSIDE COAL COMPANY

10238 82-22/1070

Norwest Bank Boulder • National Association
(303) 442-0351 • 1242 Pearl Street • Boulder, CO 80302

AMOUNT
$******1,080.00

CHECK NO. 010238 DATE 9/17/93

E THOUSAND EIGHTY 00/100 DOLLARS

PAY TO THE ORDER OF
DIV. OF OIL, GAS & MINING
355 W. NORTH TEMPLE
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UT
84180-1203

SUNNYSIDE
ACCOUNTS PAYABLE ACCOUNT

⑈010238⑈ ⑆107000220⑆ 182 3500766⑈

ACT/007/004
NOV file

10114

SUNNYSIDE COAL COMPANY

INVOICE NO.	DATE	REFERENCE	GROSS AMOUNT	DISCOUNT	NET AMOUNT
N93-32-2-5	08/02/93	081693	500.00		500.00
N93-32-2-5	08/02/93	081693	1,160.00		1,160.00
N93-32-3-8	08/05/93	081693	420.00		420.00
		TOTALS	2,080.00		2,080.00

CHECK NO. 010114
VENDOR 00047E DIV. OF OIL, GAS & MINING

SUNNYSIDE COAL COMPANY

10114 82-22/1070

Norwest Bank Boulder • National Association
(303) 442-0351 • 1242 Pearl Street • Boulder, CO 80302

AMOUNT

CHECK NO. 010114 DATE 9/10/93 $******2,080.00

TWO THOUSAND EIGHTY 00/100 DOLLARS

PAY TO THE ORDER OF
DIV. OF OIL, GAS & MINING
355 W. NORTH TEMPLE
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UT
84180-1203

SUNNYSIDE
ACCOUNTS PAYABLE ACCOUNT

⑈010114⑈ ⑆107000220⑆ 182 3500766⑈

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

gh

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

~~Part~~ # 2 of 5 is modified as follows: extended to OCTOBER 22, 1993 5:00PM for acquisition of updated maps.

Reason for modification is ~~p~~ aerial photography and map generation delay (per operator request)

Part ____ of ____ is modified as follows: This is the final extension.

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 9/10/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature _____

Lowell P Braxton
Division of Oil, Gas & Mining

Assoc Dir Mg
Title

Lowell P Braxton
Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE OPERATOR GOLDENROD – NOV FILE

DOGM/MVC-1

an equal opportunity employer

Rev. 12/86 001059

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

September 2, 1993

Ms. Pamela Grubaugh-Littig
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

should be 8 of 8

Re: Extension of Abatement Dates of NOV N93-32-2-5, Violation 2 of 5, and NOV N93-32-3-8, Violations 2 of 8 and 7 of 8

Sunnyside Coal Company requests that the Division extend the abatement date of the above NOV's to October 22, 1993, instead of September 9, 1993, as originally requested. The abatement of the above NOV's requires new base maps provided by aerial photography.

The completion of the mapping has been held up pending resolution of vertical control discrepancies in the surveying of control points. The control points were rechecked this past Saturday. The maps should be provided to us within three weeks.

After receiving the mapping, we will need two to three weeks for field checking, data processing to auto cad, map preparation for specific areas, and an additional two to three weeks to finalize maps to design calculations and plans. We have nearly completed the field work on existing ditch and culvert configurations such that this will not delay us.

The above time periods will require the October 22, 1993, date to abate these violations.

I appreciate your consideration of this information in extending the abatement deadline.

Sincerely,

Gary E. Gray
Chief Engineer

GEG:th

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99 Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 2 of 5 is modified as follows: abatement date is extended to November 22, 1993, see

Reason for modification is attached memo from Lowell Braxton dated October 27, 1993.

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 10.28.93 Time of service/mailing 5:00 ☐ a.m. ☑ p.m.

Date of inspection _____

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH-LITTIG
Division of Oil, Gas & Mining

Permit Supervisor
Title

Pamela Grubaugh-Littig
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 cc: [illegible] an equal opportunity employer Rev. 12/86 001059

NOV file

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

August 2, 1993

CERTIFIED RETURN RECEIPT REQUESTED
P 074 978 620

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

Dear Mr. Fielder:

Re: Finalized Assessment for State Violation #N93-32-2-5 2/5; 3/5; 4/5; and 5/5, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels
Assessment Conference Officer

mbm
Enclosure
cc: Bernie Freeman, OSM, AFO

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Company / Sunnyside Mine NOV #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 2 of 5

Assessment Date 8/02/93 Assessment Officer Ronald W. Daniels

Nature of Violation:
Failure to certify permit maps by a qualified, registered professional engineer or land surveyor.

Date of Termination: Pending

		Proposed Assessment	Final Assessment
(1)	History/Previous Violations	19	19
(2)	Seriousness		
	(a) Probability of Occurrence		
	Extent of Damage		
	(b) Hindrance to Enforcement	8	8
(3)	Negligence	8	8
(4)	Good Faith	-0	-0
	Total Points	35	35
	TOTAL ASSESSED FINE		$ 500.00

NARRATIVE:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

mbm

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Company / Sunnyside Mine NOV #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 3 of 5

Assessment Date 7/30/93 Assessment Officer Ronald W. Daniels

Nature of Violation:
Failure to follow terms and agreements of the permit; failure to conduct water surface monitoring as required with approved permit.

Date of Termination: 6/08/93

		Proposed Assessment	Final Assessment
(1)	History/Previous Violations	19	19
(2)	Seriousness		
	(a) Probability of Occurrence		
	Extent of Damage		
	(b) Hindrance to Enforcement	12	12
(3)	Negligence	14	10
(4)	Good Faith	-0	-0
	Total Points	45	41
	TOTAL ASSESSED FINE		$ 640.00

NARRATIVE:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.) The Operator presented information showing that at least one of the monitoring points had actually been measured and the results had not been entered in the field book normally used for this information. Negligence points are reduced to reflect that there was less fault than originally estimated.

mbm

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Company / Sunnyside Mine NOV #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 4 of 5

Assessment Date 7/30/93 Assessment Officer Ronald W. Daniels

Nature of Violation:
Failure to provide periodic sediment removal sufficient to maintain adequate volume for the design event in sediment pond.

Date of Termination: 6/02/93 - effective date

		Proposed Assessment	Final Assessment
(1)	History/Previous Violations	19	19
(2)	Seriousness		
	(a) Probability of Occurrence	5	5
	Extent of Damage	0	0
	(b) Hindrance to Enforcement		
(3)	Negligence	8	8
(4)	Good Faith	-0	-0
	Total Points	32	32
	TOTAL ASSESSED FINE		$ 440.00

NARRATIVE:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

mbm

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Company / Sunnyside Mine NOV #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 5 of 5

Assessment Date 8/02/93 Assessment Officer Ronald W. Daniels

Nature of Violation:
Failure to place and store noncoal waste in a controlled manner in a designated portion of the permit area.

Date of Termination: 7/01/93

		Proposed Assessment	Final Assessment
(1)	History/Previous Violations	19	19
(2)	Seriousness		
	(a) Probability of Occurrence	20	20
	Extent of Damage	0	0
	(b) Hindrance to Enforcement		
(3)	Negligence	15	15
(4)	Good Faith	-0	-0
	Total Points	54	54
	TOTAL ASSESSED FINE		$ 1,160.00

NARRATIVE:
(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

mbm

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Company/Mine Sunnyside Coal Company NOV/CO #N93-32-2-5 1 of 5
Permit # ACT/007/007 Violation # 1 of 5

A. **HINDRANCE TO ENFORCEMENT** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually X OR potentially___ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The operator did not promptly notify the Division of Water Quality (DWQ) of an exceedance of the water quality standards set forth in the UPDES permit. Therefore, DWQ was unable to take decisive action to correct the situation.

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

() Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

The operator, in particular Peter Hess was not aware of the requirement within the Sunnyside UPDES permit, to notify, in writting, the DWQ of an effluent limitation exceedance. Mr. Hess assumed that the monthly and/or quarterly water monitoring cover letter to the DOGM & DWQ was sufficient notification of an effluent exceedance.

() If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

(X) Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation

The operator was in violation of there UPDES permit requirements.

() Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

No, the operator was not warned prior to the issuance of the violation.

() Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

The operator in a letter dated April 28, 1993 notified DWQ of the effluent exceedance. The abatement deadline was April 29, 1993.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Yes, the operator had the necessary resources on site to achieve compliance.

NOV/CO #_____
Violation #___ of ___

3. Was the submission of plans prior to physical activity required by this NOV? Yes___ No_X_ If Yes, explain.

_____	_____	_____
Authorized Representative	Signature	Date

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Company/Mine Sunnyside Coal Mine NOV/CO #93-32-2-5
Permit # ACT/007/007 Violation # 2 of 5

A. **HINDRANCE TO ENFORCEMENT** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually___ OR potentially X (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The violation refers to the failure to have maps certified by a qualified, register, professional engineer or land surveyor. Essentially the potential hinderance would occur when a member of the permitting staff, other state and federal agencies, and/or the public attempted to base decisions on maps and designs which were not certified and therefore not reliable information.

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

() Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

The operator was fully aware of the fact that the maps in the plan were not certified. In fact the maps have been certified in the newly submitted (unapproved) permit. The operator was also aware of the fact that the maps did not accurately represent field conditions and that there was a need to generate new maps.

() If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

NOV/CO #_____
Violation #___ of ___

() Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation

() Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

() Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

The violation has been modified to logically include a requirement to fly the disturbed area to generate accurate maps so that they may be certified. This will require alot of time and effort and will probably not be completed prior to the abatement deadline.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Inspector Statement
Hindrance to Violations

NOV/CO #_____
Violation #___ of ___

There is not a professional engineer available on site. In addition, certifications of maps which were generated many years ago would be difficult for any P.E. to certify.

3. Was the submission of plans prior to physical activity required by this NOV? Yes___ No_X_ If Yes, explain.

Henry Sauer		May 19, 1993
Authorized Representative	Signature	Date

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

Company/Mine Sunnyside Coal Company NOV/CO #93-32-2-5
Permit #_____ Violation # 3 of 5

A. **HINDRANCE TO ENFORCEMENT** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually X OR potentially___ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

The DOGM was not afforded the opportunity to review water quality data. Nor was the DOGM able to determine compliance with state and federal water quality standards or impacts of mining activities on stream quantity and quality.

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

() Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

The operator failed to conduct water monitoring in accordance with the approved plan. An awareness of the permit requirements was not demonstrated.

() If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

(X) Was the operator in violation of any conditions or stipulations of the approved MRP?

NOV/CO #_____
Violation #___ of ___

Explanation

() Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

(X) Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation

I think Hugh Klien issued a violation similar to this violation during the November, 1992 inspection. The following violation are similar to the above noted violation: 92-32-10-1 (issued July 14, 1992) and 92-32-11-1 (issued september 25, 1993.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Ther are no abatement requirements for this violation.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Yes, the operator did have the necessary resources on site.

3. Was the submission of plans prior to physical activity required by this NOV? Yes___ No_X_ If Yes, explain.

Henry Sauer	May 19, 1993	
Authorized Representative	Signature	Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Coal Company
Permit #_____

NOV/CO # 93-32- 2-5
Violation # 4 of 5

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

   a. Activity outside the approved permit area.
   b. Injury to the public (public safety).
   c. Damage to property.
   d. Conducting activities without appropriate approvals.
   e. Environmental harm.
   f. Water pollution.
   g. Loss of reclamation/revegetation potential.
   h. Reduced establishment, diverse and effective vegetative cover.
   i. No event occurred as a result of the violation.
   j. Other.

The operator has failed to clean out accumulated sediments within the Lower No. Two Sedimentation Pond. The sediment level is well above the level at which sediment clean out is required. Thus the pond does not currently provide adequate storage volume for the designed event.

2. Has the event occurred? Yes X No___

   ____ Yes: Describe it.

   ____ No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

3. Did any damage occur as a result of the violation?

   X No

   ____ Yes: Describe the duration and extent of the damage or impact.

How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

NOV/CO #_____
Violation #___ of ___

If the violation had not been issued the probability of discharge from an event well below the designed capacity and discharge not meeting appropriate water quality standard from the pond would have increased. In addition, the chances of structural impoundment failure during a precipitation event substantialy increases. A substantial amount of damage to water quality would occur off the disturbed area and off the permit area.

NOV/CO #_____
Violation #___ of ___

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss.)

() Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

The operator has been aware of the need to clean this pond since July of 1992. During the middle of July high intensity storms carried large quantities of sediments into the pond. Quarterly pond inspection since that time have noted the need to clean out the pond.

() If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

(X) Was the operator in violation of a specific permit condition?

Explanation

The pond designs required sediment remove when the elevation of the accumulated sediment reach to within one foot of the decant pipe.

(X) Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

On many occation the operator was told that the pond required cleaning. This was mentioned in pond inspection reports and DOGM inspection reports.

() Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

NOV/CO #_____
Violation #___ of ___

Explanation

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Yes, the operator has the necessary resource available to remedy the situation.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes___ No_X_ If yes, explain.

Henry Sauer		May 19, 1993
Authorized Representative	Signature	Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Coal Company NOV/CO # 93-32-2-5
Permit #_____ Violation # 5 of 5

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

   a. Activity outside the approved permit area.
   b. Injury to the public (public safety).
   c. Damage to property.
   d. Conducting activities without appropriate approvals.
   e. Environmental harm.
   f. Water pollution.
   g. Loss of reclamation/revegetation potential.
   h. Reduced establishment, diverse and effective vegetative cover.
   i. No event occurred as a result of the violation.
   j. Other.

B. The operator has failed to clean noncoal waste from the designated storage area so as to prevent wind blow redistribution. In addition the entire mine site is filled with disgarded trash which has been inadvertently scatter throughout the disturbed area. This amount to poor work force education and poor housekeeping. This then could or has caused injury to mine emplpoyees.

2. Has the event occurred? Yes X No___

   ____ Yes: Describe it. Above

   ____ No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

3. Did any damage occur as a result of the violation?

   ____ No

   X Yes: Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

NOV/CO #_____
Violation #___ of ___

The damage which has occured ranges from trash in undisturbed diversion and the "undisturbed Grassy Trail Creek to contamination of fill material with used oil, solvents,ect..

NOV/CO #_____
Violation #___ of ___

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss.)

() Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation

(X) Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation

The situation has been occuring for many years. The site is a relic of past mine activities and poor attitudes towards housekeeping. The operator has been extremely lacks in maintaining a clean working environment.

() If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation

() Was the operator in violation of a specific permit condition?

Explanation

() Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation?

Explanation

(X) Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation

NOV/CO #_____
Violation #___ of ___

I issued NOV 92-32-9-1 in April of 19921, for failure to place and store noncoal waste in a designated portion of the permit area.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Yes, the operator has the necessary resources on site to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes X No___ If yes, explain.

Part 2 of the violation required the submition of plans for the regular removal of noncoal waste from the No. Two Canyon Noncoal Waste Storage Area.

Henry Sauer		May 19, 1993
Authorized Representative	Signature	Date

NOV File

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

--------ooOoo--------

IN THE MATTER OF THE APPEAL OF FACT OF VIOLATION N93-32-2-5, SUNNYSIDE COAL COMPANY, SUNNYSIDE MINE, CARBON COUNTY, UTAH	:	FINDINGS, CONCLUSION AND ORDER INFORMAL HEARING CAUSE NO. ACT/007/007

--------ooOoo--------

On July 29, 1993, the Division of Oil, Gas and Mining ("Division") held an informal hearing concerning the fact of violation for the above referenced Notice of Violation ("NOV"). The following individuals attended:

Presiding:	James W. Carter, Director Division of Oil, Gas and Mining
For the Petitioner:	Denise Dragoo Fabian and Clendenin
	Gary Gray Sunnyside Coal Company
Division:	Henry Sauer Reclamation Specialist
	Ron Daniels Assessment Conference Officer
	Joe Helfrich Assessment Officer

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner in connection with this informal hearing, and information

in the files of the Division. During the informal hearing, council for Sunnyside Coal presented arguments as to why certain parts of the NOV should be vacated. The parts which the Petitioner seeks a vacation of in this NOV are part 2 of 5 and part 4 of 5.

Sunnyside Coal seeks relief from part 2 of 5 of the NOV because it had not previously provided the Division with certified maps. By the time certified maps were specifically requested of the permittee, there was no qualified individual who would certify the existing maps as accurate, and those maps which have been submitted are substantively incomplete and not approvable. The Petitioner submits that the requirement of certified maps should be handled by a Division Order instead of a violation.

Sunnyside Coal seeks vacation of part 4 of 5 of the NOV for failure to maintain a slurry pond to contain a design event. Sunnyside requests this NOV be vacated because although the decant pipe of the slurry cell was blocked and had not been properly cleaned, the volume of the slurry cell was still sufficient to contain the design event.

FINDINGS OF FACT

1. Notice of this hearing was properly given.

2. The assessment conference to review the proposed penalties for the NOV was held immediately following the informal hearing regarding the fact of violation. The requirement to pay the assessed penalty is stated pending the decision on the informal review of fact of violation.

3. The NOV was issued on April 22, 1993. It includes five parts. At this fact of violation conference, part 2 of 5 was reviewed for fact of violation based upon the allegations that the operator had failed to certify maps as required under R645-301-512, et seq. Part 4 of 5 was reviewed for fact of violation for the alleged failure to provide periodic sediment removal sufficient to maintain adequate volume for the design event which the structure was designed to control in violation of R645-301-742.221.36.

4. R645-301-512.100 provides: "[C]ross Sections and Maps. Certain cross sections and maps required to be included in a permit application will be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer or land surveyor, with assistance from experts in related fields such as hydrology, geology and landscape architecture, and will be updated as required by the Division."

The Petitioner does not deny that the maps required to be certified by this regulation were not certified. Further, it is admitted by the Petitioner that the uncertified maps could not be certified because of their failure to accurately represent the actual conditions on the ground.

5. R645-301-742.221.36 provides sedimentation ponds when used will be designed, constructed, and maintained to "[P]rovide periodic sediment removal sufficient to maintain adequate volume for the design event."

6. The Petitioner has provided engineering calculations which demonstrate that the structure at the time of the NOV was written had adequate

volume to contain the design event.

CONCLUSIONS OF LAW

1. Sunnyside Coal was required at all relevant times to certify all relevant maps as required by R645-301-512. This violation constitutes a violation of performance standards and is by its very nature one which has an on-the-ground effect. This is true because the on-the-ground features do not comport with any certified map and are therefore in non-compliance with the performance standards.

2. The Division has no authority to relieve any operator under the Utah Coal Program from the obligation to have at all times certified maps as required by R645-301-512.

3. The operator's failure to provide periodic sediment removal did not constitute a violation of R645-301-742.221.36. While the failure of the operator to periodically clean the sediment to the level required in its plan may constitute a violation for failure to follow the approved plan, it is not the violation that was cited by the Division on April 22, 1993.

ORDER

Now therefore, it is Ordered that:

1. NOV N93-32-2-5 part 2 of 5 is upheld.

2. NOV N93-32-2-5 part 4 of 5 is vacated.

3. The finalized assessment penalties resulting from the assessment conference of July 29, 1993, is due and payable 30 days from the date of this order.

4. The Petitioner may appeal to the Board of Oil, Gas and Mining the informal determination of fact of violation and/or finalized assessment by filing an appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 24th day of August 1993.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

James W. Carter, Director

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSION AND ORDER, RE: SUNNYSIDE COAL COMPANY, SUNNYSIDE MINE, CARBON COUNTY, UTAH, ACT/007/007 for Cause No. ACT/007/007 to be mailed by certified mail, return receipt requested on the 25th day of August 1993, to the following:

Denise A. Dragoo, Esq.
Fabian & Clendenin
215 South State
P.O. Box 510210
Salt Lake City, Utah 84151

Bob Burnham, President
Sunnyside Coal Company
The Registry
1113 Spruce Street, Suite 301
Boulder, Colorado 80302

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

David B. Corman
BXG, Inc.
The Registry
1113 Spruce Street, Suite 301
Boulder, Colorado 80302

Janean Burns

cc. JMB
PAT
TAM
JLB
JWC
orig
minefile

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

RECEIVED
AUG 09 1993
DIVISION OF
OIL GAS & MINING

August 5, 1993

Mr. James M. Carter, Director
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Director Carter:

Re: Lower No. 2 Canyon Sediment Pond Capacity in Relation to Fact of Violation Hearing on NOV N93-32-2-5, Violation 4 of 5 ("NOV")

Sunnyside Coal Company respectfully requests the Division to vacate the above "NOV." The "NOV" alleges violation of RG45-301-742.22.36 for failure to remove sediment to allow for the design event.

During the hearing, you asked about the capacity of the pond to hold the design event at the sediment level, which existed at the time of the "NOV." The attached analysis shows that adequate capacity to hold the storm volume was available in the pond at the time of the "NOV" issuance.

Thank you for your consideration of these facts.

Sincerely,

Gary E. Gray
Chief Engineer

GEG:th

Attachment

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

JME Companies
Environmental Services Division
12211 W. Alameda Parkway, Suite 207
Lakewood CO 80228-2825
(303)-969-9759

RECEIVED
AUG 9 1993
DIVISION OF
OIL GAS & MINING

August 5, 1993

Mr. Gary Gray
Chief Engineer
Sunnyside Mine
P.O. Box 99
Sunnyside, UT 84539

Re: Lower No. 2 Canyon Sediment Pond Capacity.

Dear Gary,

I recalculated the attached Lower No. 2 Canyon Sediment Pond capacities for available storage area between the existing sediment load and the outlet elevation prior to clean out of the pond. These calculations are based on information provided to me by Sunnyside Mine and the information provided to me is accepted as correct.

I have also enclosed the Division Order pond certification information sheet that provides additional detail on the Lower No. 2 Canyon Sediment pond. Note that the total capacity for the Division Order pond certification is reported at 0.84 acre-feet compared to 0.90 acre-feet based on this calculation. The Division Order areas were hand digitized while the new areas are computer digitized. I am not alarmed by the small difference between the two volumes.

Sincerely,

J. Michael Elder, PE
Engineer

file: No2canpd.ltr

RECEIVED
DIVISION OF
OIL GAS & MINING

Lower No. 2 Canyon Sediment Pond

(1) Pond volumes based on original pond design , as-built August 8, 1985

Digitized Areas:

6745.0 foot contour	832 sq. ft.
6750.0 foot contour	5,131 sq. ft.
6753.6 foot contour	8,442 sq. ft.

V= (A+4B+C)/6 x D/43,560 in acre-feet

A=	8,442.0 sq. ft.	6753.6 elevation
B=	4,529.1 sq. ft.	6749.3 elevation
C=	832.0 sq. ft	6745.0 elevation
D=	8.6 ft.	
V=	0.90 acre ft-total pond capacity	

(2) Pond volume remaining with sediment level at 6749.5 feet

Sediment elevation	6749.5
Outlet elevation	6752.0

V= (A+4B+C)/6 x D/43,560 in acre-feet

A=	6,970.4 sq. ft.	6752.0 elevation
B=	5,820.8 sq. ft.	6750.8 elevation
C=	4,701.1 sq. ft	6749.5 elevation
D=	2.5 ft.	
V=	0.33 acre-ft available capacity	

(3) Required capacities for storm events

Storm Type:	SCS Type II	SCS Type II
Storm Event:	10 yr - 24 hr	100 yr - 6 hr
Capacity Req:	0.25 ac-ft	0.32 ac-ft

Sunnyside Coal Company
LOWER #2 CANYON SEDIMENTATION POND
NPDES 010

DATA SUMMARY

File: Pondata.wq1

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OIL GAS & MINING

WATERSHED AREA	Acres	Slope Length	Elev Change	% Slope	CN	Routing Segment	Length	Elev Change	COMMENTS
Area I	6.10	1,200.0	55.0	4.6	79	Overland			Storage areas, facilities
Pond Surface	0.22	120.0	0.0	0.0	100	None			Pond Surface
Totals	6.32								

POND CAPACITIES	Acre-Feet	
Total As-built Capacity	0.84	
Capacity w/1' freeboard	0.66	Excludes capacity above freeboard
Temporary storage capacity	0.10	Capacity between outlet & freeboard
Sediment load capacity	0.07	Design sediment load capacity
Available Capacity	0.50	Typ. capacity for 24-hr retention

STORM DATA	SCS 6-hr design 25-year, 6-hour	SCS Type II 10-year, 24-hour	SCS 6-hr design 100-year, 6-hour
Precipitation	1.62 inches	1.84 inches	2.05 inches
Peak Discharge	1.79 cfs	3.01 cfs	3.28 cfs
Discharge Volume	0.19 acre-feet	0.25 acre-feet	0.32 acre-feet

OUTLET DATA	CMP	Pipe	Spillway
Diameter	2.000 feet	0.167 feet	
Slope	0.122 ft/ft	0.002 ft/ft	
Manning's n	0.024	0.010	
Discharge	42.800 cfs	0.020 cfs	
Velocity	13.620 fps	0.810 fps	

SEDIMENT LOAD - Required [Uniform Soil Loss Equation]	Sed Cap. Acre-feet	A = Tons/Ac	R	K	LS	CP	
Area I	0.03	3.7	20	0.22	1.85	0.45	Disturbed Bare P=1 C=.45
Pond Surface	0.00	0.0					
Totals	0.03						

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNY COAL COMPANY

Mailing Address P.O. Box 99, STATE Highway 123, SUNNYSIDE UT 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32 ~~3~~ 2-5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 5 of 5 Part 1 is ☐ vacated ☑ terminated because the operator has fulfilled the requirements of Part 1 of the violation.

Part 4 of 5 is ☐ vacated ☑ terminated because the operator has fulfilled the abatement requirements of the violation.

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service/(mailing) 7/1/93 Time of service/(mailing) 3:00 ☐ a.m. ☒ p.m.

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

SENIOR RECLAMATION SOILS SPECIALIST
Title

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

Not Sent

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

July 8, 1993

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 964

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

Dear Mr. Fielder:

Re: Informal Hearing and Assessment Conference for State Violation N93-32-2-5, Parts 2 of 5, 3 of 5, 4 of 5, and 5 of 5, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

As per your request of June 8, 1993 and a telephone conversation with Gary Gray and Denise Dragoo on July 8, please be advised that the Informal Hearing and Assessment Conference on state violation N93-32-2-5, parts 2 of 5, 3 of 5, 4 of 5, and 5 of 5, Sunnyside Coal Company's Sunnyside Mine has been established for Thursday, July 29, 1993, beginning at 1:30 p.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held in the office of the Division of Oil, Gas and Mining.

Very truly yours,

James W. Carter
Director

vb
cc: D. Dragoo, Fabian & Clendenin
L. Braxton
J. Helfrich
PFO
ASSESSME.

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NATURAL RESOURCES
Oil, Gas & Mining
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page 9d

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNY COAL COMPANY

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-5-5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 5 of 5 is ☐ vacated ☑ terminated because the operator has fulfilled the requirements of Part 1 of the violation. Part 1

Part 4 of 5 is ☐ vacated ☑ terminated because the operator has fulfilled the abatement requirements of the violation.

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service (mailing) 7/1/93 Time of service (mailing) 3:00 ☐ a.m. ☒ p.m.

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

SENIOR RECLAMATION SOILS SPECIALIST
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

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Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Post-It™ brand fax transmittal memo 7671	# of pages ▸ 4
To Peter Hess	From Janean
Co. Sunnyside	Co. DOGM
Dept.	Phone # 538-5340
Fax # 888-2581	Fax # 359-3940

MODIFICA
NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal COmpany

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N N93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 4 of 5 is modified as follows: abatement deadline is extended to June 21, 1993, at 5:00 pm

Reason for modification is per operator request dated June 14, 1993

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of ~~service~~/mailing 6/18/93 Time of ~~service~~/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/20-22/93

Joe Fielder
Permittee/Operator representative

General Manager
Title

Signature

Joe Helfrich
Division of Oil, Gas & Mining

Regulatory Program Coordinator #1
Title

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 an equal opportunity employer Rev. 12/86 001059

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MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99 [illegible]

State Permit No. [illegible]

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-7-5 dated 4/[illegible], 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 4 of 5 is modified as follows: [illegible]

Reason for modification is [illegible]

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 4/[illegible]/93 Time of service/mailing [illegible] ☐ a.m. ☑ p.m.

Date of inspection 4/[illegible]

PETER [illegible]
Permittee/Operator representative

[illegible]
Title

Signature

[illegible]
Division of Oil, Gas & Mining

[illegible]
Title

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 an equal opportunity employer Rev. 12/86 001059

** TRANSMIT CONFIRMATION REPORT **

Journal No.	:	014
Receiver	:	801 888 4421 246
Transmitter	:	DIV OIL GAS & MINING
Date	:	Jun 18,93 15:04
Document	:	04 pages
Time	:	01'53"
Mode	:	G3 NORMAL
Result	:	OK

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

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93

Cessation Order No. C _____ dated _____, 19 ____.

Part 4 of 5 is modified as follows: abatement deadline is extended to June 21, 1993 @ 5:00 pm

Reason for modification is per operator request dated June 14, 1993

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 6/18/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection _____

Joe Fielder
Permittee/Operator representative

Mine Manager
Title

Signature

PAMELA GRUBAUGH-LITTIG
Division of Oil, Gas & Mining

Permit Supervisor
Title

Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE/OPERATOR GOLDENROD – NOV FILE

DOGM/MVC-1 COPY Henry Sauer

an equal opportunity employer

Rev. 12/86 001059

for file

FABIAN & CLENDENIN

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

TWELFTH FLOOR
215 SOUTH STATE STREET
P.O. BOX 510210
SALT LAKE CITY, UTAH 84151
TELEPHONE (801) 531-8900
FACSIMILE (801) 596-2814

GEORGE D. MELLING, JR.
WARREN PATTEN
M. BYRON FISHER
STANFORD B. OWEN
WILLIAM H. ADAMS
ANTHONY L. RAMPTON
PETER W. BILLINGS, JR.
THOMAS CHRISTENSEN, JR.
DENISE A. DRAGOO
JAY B. BELL
DANIEL W. ANDERSON
GARY E. JUBBER
ROSEMARY J. BELESS
ANNA W. DRAKE
W. CULLEN BATTLE
KEVIN N. ANDERSON
RANDY K. JOHNSON
NORMAN J. YOUNKER
MICHELE MITCHELL
JOHN E. S. ROBSON
DOUGLAS B. CANNON
DOUGLAS J. PAYNE
ROBERT PALMER REES
DIANE H. BANKS
P. BRUCE BADGER
JOHN (JACK) D. RAY
KATHLEEN H. SWITZER
CRAIG T. JACOBSEN
BRUCE D. REEMSNYDER
BROCK R. BELNAP
DOUGLAS R. BREWER
CRAIG E. HUGHES

OF COUNSEL
PETER W. BILLINGS
RALPH H. MILLER
HELEN J. EDWARDS

NEVADA OFFICE
KEVIN N. ANDERSON
2835 SOUTH JONES BLVD., SUITE 5
LAS VEGAS, NEVADA 89102
TELEPHONE (702) 367-4545
FACSIMILE (702) 252-5014

VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

and

VIA FACSIMILE

June 8, 1993

(801) 359-3940

Ms. Vickie Bailey
UTAH DIVISION OF OIL, GAS & MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-2303

RE: Sunnyside Mine, Permit No. ACT/007/007, Request for Informal Hearing and Assessment Conference

Dear Ms. Bailey:

On behalf of Sunnyside Coal Company ("Sunnyside"), we respectfully request an informal hearing to review the fact of violation and an assessment conference regarding the proposed assessment for the following notices of violation ("NOV's") issued by the Division of Oil, Gas & Mining to Sunnyside:

N93-32-2-5, 2 of 5;
N93-32-2-5, 3 of 5;
N93-32-2-5, 4 of 5;
N93-32-2-5, 5 of 5;
N93-40-3-3, 1 of 3;
N93-40-3-3, 2 of 3;
N93-40-2-2, 1 of 2;
N93-40-2-2, 2 of 2;
N93-32-3-8, 1 of 8;
N93-32-3-8, 2 of 8;
N93-32-3-8, 5 of 8;
N93-32-3-8, 6 of 8; and
N93-32-3-8, 8 of 8.

LAW OFFICES OF
FABIAN & CLENDENIN
A PROFESSIONAL CORPORATION

If possible, Sunnyside would appreciate scheduling of this informal hearing and assessment conference on a day of the week other than Monday. In addition, mine vacation is scheduled from July 26 to August 6, 1993.

Thank you for your assistance in this matter.

Very truly yours,

Denise A. Dragoo

DAD:jmc:13135

cc: Robert M. Burnham
Joe Fielder
Gary Gray

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside, Utah 84539

State Permit No. ACT/007/087

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93

Cessation Order No. C _____ dated _____, 19 ____.

Part 3 of 5 is ☐ vacated ☑ terminated because no abatement was required (failure to do surface water monitoring).

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service/~~mailing~~ 6/8/93 Time of service/~~mailing~~ 3:00 ☐ a.m. ☒ p.m.

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH-LITTIG Permit Supervisor

Division of Oil, Gas & Mining Title

Pamela Grubaugh-Littig

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

gch
pgl

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated 4/22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 2 of 5 is modified as follows: ABATEMENT DEADLINE: NO LATER THAN 5:00 P.M. JUNE 15, 1993

Reason for modification is as per operator request dated June 1, 1993

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 6/7/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/22/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Soils Spec.
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 COPY PAM

an equal opportunity employer

Rev. 12/86 001059

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

ACT/007/007 #5
Copy PAM

June 1, 1993

Ms. Pamela Grubaugh-Littig
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

Re: N93-32-2-5, Violation 2 of 5, Certified Drainage and Facility Maps

Sunnyside Coal Company requests an extension of two weeks from June 1, 1993, until June 15, 1993, to establish a flying schedule to work toward abatement of the aforementioned NOV.

Sunnyside Coal Company has received four responses from the six aerial photography firms which were contacted. SCC will base its selection of contractor on scheduling availability and will forward a copy of the purchase order to the selected contractor to DOGM as soon as possible. Mr. Gary Gray anticipates flying of the area no sooner than June 15.

Your approval of this extension request will be appreciated.

Sincerely,

Pete Hess

Pete Hess
Environmental Coordinator

PH:th

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Jth pgl

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 4 of 5 is modified as follows: ABATEMENT DEADLINE: No Later than 5:00 P.M. June 15, 1993.

Reason for modification is as per operator request dated June 3, 1993

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 6/7/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/22/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Soils Specialist
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 Copy Pkm

an equal opportunity employer

Rev. 12/86 001059

Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

June 3, 1993

ACT/007/007 #5
Copy PAM

Ms. Pamela Grubaugh-Littig
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

Re: N93-32-2-5, Violation 4 of 5, Cleaning Out of Lower #2 Canyon Pond (UPDES #010)

As of June 2, 1993, Sunnyside Coal Company has completed the cleaning out of sediments from the Lower #2 Canyon Pond.

Sunnyside Coal Company requests an extension of ten days from June 5, 1993, until June 15, 1993, in order to re-cross section the pond, analyze the data, and have the pond recertified as having sufficient volume for the designed event.

Your approval of this request will be greatly appreciated. Thank you.

Sincerely,

Peter Hess

Peter Hess
Environmental Coordinator

PH:ka

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-6050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. Box 99, Sunnyside Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 5 of 5 is modified as follows: extension from May 6, 1993 to May 12, 1993 is granted for submittal of complete and adequate plans for the regular removal of non-coal waste from the #2 Canyon Storage Area. More time needed for document preparation. (request faxed May 6, 1993 from SCC)

~~Reason for modification is~~

~~Part ____ of ____ is modified as follows:~~

~~Reason for modification is~~

Part ____ of ____ is modified as follows: _____

Date of service/mailing 5/22/93 Time of service/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/30-5/2/93

Permittee/Operator representative _____ Title _____

Signature _____

PAMELA GRUBAUGH-LITTIG Permit Supervisor

Division of Oil, Gas & Mining Title

Signature Pamela Grubaugh-Littig

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 an equal opportunity employer Rev. 12/86 001059

Sunnyside Coal Company
Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

This was faxed 5/6/93

May 6, 1993

RECEIVED
MAY 10 1993
DIVISION OF
OIL GAS & MINING

Ms. Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

Re: N93-32-2-5, Violation 5 of 5
Failure to Place and Store Non-Coal Mine Waste
in A Controlled Manner
Abatement: Part 2, Submittal of Plans
for Regular Removal

Sunnyside Coal Company requests an extension of six days until May 12, 1993, for submittal of complete and adequate plans for the regular removal of non-coal waste from the #2 Canyon Storage Area.

Sunnyside Coal Company has nearly completed the necessary maps for this submittal; however, more time is needed for the document preparation.

Your approval of this request will be greatly appreciated.

Sincerely,

Peter H. Hess

Peter H. Hess
Environmental Coordinator

PHH:th

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

UTAH
NATURAL RESOURCES
Oil, Gas & Mining
3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY (SCC)

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19__

Part 5 of 5 PART I is modified as follows: Abatement Deadline: No later than 5:00 P.M. JUNE 9, 1993.

Reason for modification is As per operator request dated May 25, 1993. Please note letter to Joe Field (SCC) from Pamela Grubaugh-Littig (DOGM) dated May 31, 1993

~~Part ____ of ____ is modified as follows:~~

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of ~~service~~/mailing 1 June 1993 Time of ~~service~~/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/20-26/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Job Specialist
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1

an equal opportunity employer

Rev. 12/86 001059

P 074 975 409

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to JOE FIELDER GENERAL MANAGER	
Street and No. SUNNYSIDE COAL COMPANY PO BOX 99	
P.O., State, and ZIP Code SUNNYSIDE UT 84539	
Postage	$ 1.44
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 3.44
Postmark or Date	

SALT LAKE CITY, UT MAIN OFFICE
MAY 26 1993

PS Form 3800, June 1985

DOGM JBE ACT/007/007 N93-32-2-5 PA

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

SUNNYSIDE, UT MAY 26 1993 PM 84539

U.S. MAIL

PENALTY FOR PRIVATE USE, $300

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 350
SALT LAKE CITY, UTAH 84180-1203

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. *(Extra charge)*
2. ☐ Restricted Delivery *(Extra charge)*

3. Article Addressed to:

JOE FIELDER GENERAL MANAGER
SUNNYSIDE COAL COMPANY
PO BOX 99
SUNNYSIDE UT 84539

4. Article Number
P 074 975 409

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X

6. Signature — Agent
X

7. Date of Delivery MAY 27 1993

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Mar. 1988 ★ U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

May 26, 1993

CERTIFIED RETURN RECEIPT
P 074 975 409

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

Dear Mr. Fielder:

Re: Proposed Assessment for State Violation No. N93-32-2-5, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector, Henry Sauer on April 22, 1993. Rule R645-401-600 et. sec. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.

2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich
Assessment Officer

jbe
Enclosure
cc: Bernie Freeman, OSM

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine **NOV** #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 1 OF 5

ASSESSMENT DATE 05/25/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 05/25/93 EFFECTIVE ONE YEAR TO DATE 05/25/93

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N92-20-2-1	09/13/92	1
N92-32-10-1	09/27/92	1
N92-32-11-1	12/22/92	1
N92-32-12-1	04/16/93	1
N92-40-11-1	04/18/93	1
N92-40-12-2	04/18/93	2
N92-40-13-1	04/18/93	1
C92-32-1-1	04/16/93	5
N92-32-13-1	04/16/93	1
N92-32-14-1	04/16/93	1
N92-32-15-1	04/16/93	1
N92-32-16-1	04/16/93	1
N92-32-17-1	04/16/93	1
N92-26-5-1	04/18/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 19

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?

_____

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? _____

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Failure to notify the Division of Water Quality of effluent limitation exceedances actually hindered the inspector from evaluating compliance with the UPDES permit.

TOTAL SERIOUSNESS POINTS (A or B) 12

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

The operator was unaware of the reporting requirement, assuming that a notice of exceedance would be covered in the quarterly report to DOGM and the Division of Water Quality.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
. . . **IF SO - EASY ABATEMENT**
Easy Abatement Situation
. . . **Immediate Compliance -11 to -20***
. . . Immediately following the issuance of the NOV)
. . . **Rapid Compliance -1 to -10***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance 0**
(Operator complied within the abatement period required)
(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation
. . . **Rapid Compliance -11 to -20***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance -1 to -10***
. . . (Operator complied within the abatement period required)
. . . **Extended Compliance 0**
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** -8

PROVIDE AN EXPLANATION OF POINTS

The operator exercised diligence in abating the violation.

V. ASSESSMENT SUMMARY FOR N93-32-2-5 1/5

I.	TOTAL HISTORY POINTS	19
II.	TOTAL SERIOUSNESS POINTS	12
III.	TOTAL NEGLIGENCE POINTS	8
IV.	TOTAL GOOD FAITH POINTS	- 8
	TOTAL ASSESSED POINTS	31
	TOTAL ASSESSED FINE	$ 420.00

jbe

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine **NOV** #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 2 OF 5

ASSESSMENT DATE 05/25/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 05/25/93 EFFECTIVE ONE YEAR TO DATE 05/25/93

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N92-20-2-1	09/13/92	1
N92-32-10-1	09/27/92	1
N92-32-11-1	12/22/92	1
N92-32-12-1	04/16/93	1
N92-40-11-1	04/18/93	1
N92-40-12-2	04/18/93	2
N92-40-13-1	04/18/93	1
C92-32-1-1	04/16/93	5
N92-32-13-1	04/16/93	1
N92-32-14-1	04/16/93	1
N92-32-15-1	04/16/93	1
N92-32-16-1	04/16/93	1
N92-32-17-1	04/16/93	1
N92-26-5-1	04/18/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 19

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?

_____

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? _____

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Potential
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement revealed that potential hindrance could occur when DOGM staff, other state and federal agencies, or the public attempt to base decisions on maps and designs which are not certified and subsequently questionable as to the reliability of the information.

TOTAL SERIOUSNESS POINTS (A or B) 8

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to certification requirements.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

. . . **IF SO - EASY ABATEMENT**

Easy Abatement Situation

. . . **Immediate Compliance -11 to -20***

. . . Immediately following the issuance of the NOV)

. . . **Rapid Compliance -1 to -10***

. . . (Permittee used diligence to abate the violation)

. . . **Normal Compliance 0**

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation

. . . **Rapid Compliance -11 to -20***

. . . (Permittee used diligence to abate the violation)

. . . **Normal Compliance -1 to -10***

. . . (Operator complied within the abatement period required)

. . . **Extended Compliance 0**

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** __-0__

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation

V. ASSESSMENT SUMMARY FOR N93-32-2-5 2/5

I.	TOTAL HISTORY POINTS	19
II.	TOTAL SERIOUSNESS POINTS	8
III.	TOTAL NEGLIGENCE POINTS	8
IV.	TOTAL GOOD FAITH POINTS	- 0
	TOTAL ASSESSED POINTS	35
	TOTAL ASSESSED FINE	$ 500.00

jbe

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine **NOV** #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 3 OF 5

ASSESSMENT DATE 05/25/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 05/25/93 EFFECTIVE ONE YEAR TO DATE 05/25/93

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N92-20-2-1	09/13/92	1
N92-32-10-1	09/27/92	1
N92-32-11-1	12/22/92	1
N92-32-12-1	04/16/93	1
N92-40-11-1	04/18/93	1
N92-40-12-2	04/18/93	2
N92-40-13-1	04/18/93	1
C92-32-1-1	04/16/93	5
N92-32-13-1	04/16/93	1
N92-32-14-1	04/16/93	1
N92-32-15-1	04/16/93	1
N92-32-16-1	04/16/93	1
N92-32-17-1	04/16/93	1
N92-26-5-1	04/18/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 19

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?

_____

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? _____

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS _____

PROVIDE AN EXPLANATION OF POINTS

_____

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS

Failure to monitor water as required by the approved permit actually hindered the inspector from evaluating compliance with state and federal water quality requirements.

TOTAL SERIOUSNESS POINTS (A or B) 12

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 14

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to water monitoring requirements. Additionally, the permittee has received previous violations regarding water monitoring requirements, those being violations N92-32-10-1 and N92-32-11-1.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
. . . **IF SO - EASY ABATEMENT**
Easy Abatement Situation
. . . **Immediate Compliance -11 to -20***
. . . Immediately following the issuance of the NOV)
. . . **Rapid Compliance -1 to -10***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance 0**
(Operator complied within the abatement period required)
(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation
. . . **Rapid Compliance -11 to -20***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance -1 to -10***
. . . (Operator complied within the abatement period required)
. . . **Extended Compliance 0**
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** -0

PROVIDE AN EXPLANATION OF POINTS

There are no abatement requirements for this violation.

V. ASSESSMENT SUMMARY FOR N93-32-2-5 3/5

I.	TOTAL HISTORY POINTS	19
II.	TOTAL SERIOUSNESS POINTS	12
III.	TOTAL NEGLIGENCE POINTS	14
IV.	TOTAL GOOD FAITH POINTS	- 0
	TOTAL ASSESSED POINTS	45
	TOTAL ASSESSED FINE	$ 800.00 ✓

jbe

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine **NOV** #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 4 OF 5

ASSESSMENT DATE 05/25/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 05/25/93 EFFECTIVE ONE YEAR TO DATE 05/25/93

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N92-20-2-1	09/13/92	1
N92-32-10-1	09/27/92	1
N92-32-11-1	12/22/92	1
N92-32-12-1	04/16/93	1
N92-40-11-1	04/18/93	1
N92-40-12-2	04/18/93	2
N92-40-13-1	04/18/93	1
C92-32-1-1	04/16/93	5
N92-32-13-1	04/16/93	1
N92-32-14-1	04/16/93	1
N92-32-15-1	04/16/93	1
N92-32-16-1	04/16/93	1
N92-32-17-1	04/16/93	1
N92-26-5-1	04/18/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 19

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Offsite sediment deposition.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Unlikely

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 5

PROVIDE AN EXPLANATION OF POINTS

The question of appropriate volume to contain the design event, in this case, the 100 yr./6 hr. event, remains just that, a question of uncertainty. What is know is that the decant structure was covered by sediment deposition in the pond. Thus, the pond would not be able to decant any event of any given precipitation event of design volume or otherwise.

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

PROVIDE AN EXPLANATION OF POINTS
No damage occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? ___
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS ____

PROVIDE AN EXPLANATION OF POINTS

_____

TOTAL SERIOUSNESS POINTS (A or B) __5__

III. NEGLIGENCE MAX 30 PTS

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE __Ordinary__

ASSIGN NEGLIGENCE POINTS __8__

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to maintenance of sediment control structures.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
. . . **IF SO - EASY ABATEMENT**
Easy Abatement Situation
. . . **Immediate Compliance -11 to -20***
. . . Immediately following the issuance of the NOV)
. . . **Rapid Compliance -1 to -10***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance 0**
(Operator complied within the abatement period required)
(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?
. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation
. . . **Rapid Compliance -11 to -20***
. . . (Permittee used diligence to abate the violation)
. . . **Normal Compliance -1 to -10***
. . . (Operator complied within the abatement period required)
. . . **Extended Compliance 0**
(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** -0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation.

V. ASSESSMENT SUMMARY FOR N93-32-2-5 4/5

I.	TOTAL HISTORY POINTS	19
II.	TOTAL SERIOUSNESS POINTS	5
III.	TOTAL NEGLIGENCE POINTS	8
IV.	TOTAL GOOD FAITH POINTS	- 0
	TOTAL ASSESSED POINTS	32
	TOTAL ASSESSED FINE	$ 440.00

jbe

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine **NOV** #N93-32-2-5

PERMIT # ACT/007/007 VIOLATION 5 OF 5

ASSESSMENT DATE 05/25/93 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 05/25/93 EFFECTIVE ONE YEAR TO DATE 05/25/93

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
N92-20-2-1	09/13/92	1
N92-32-10-1	09/27/92	1
N92-32-11-1	12/22/92	1
N92-32-12-1	04/16/93	1
N92-40-11-1	04/18/93	1
N92-40-12-2	04/18/93	2
N92-40-13-1	04/18/93	1
C92-32-1-1	04/16/93	5
N92-32-13-1	04/16/93	1
N92-32-14-1	04/16/93	1
N92-32-15-1	04/16/93	1
N92-32-16-1	04/16/93	1
N92-32-17-1	04/16/93	1
N92-26-5-1	04/18/93	1

1 point for each past violation, up to one year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS 19

II. SERIOUSNESS (either A or B)

NOTE: **For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.**

Is this an Event (A) or Hindrance (B) violation? Event

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?
Contamination of fill material.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Occurred

. . . PROBABILITY	RANGE
. . . None	0
. . . Unlikely	1-9
. . . Likely	10-19
. . . Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS

Day to day mining activities resulted in the contamination of fill material by petroleum products.

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 0

PROVIDE AN EXPLANATION OF POINTS
No damage occurred as a result of the violation.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? ___
RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS ____

PROVIDE AN EXPLANATION OF POINTS

_____

TOTAL SERIOUSNESS POINTS (A or B) 20

III. **NEGLIGENCE MAX 30 PTS**

A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? **IF SO - NO NEGLIGENCE;**
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? **IF SO - NEGLIGENCE;**
OR Was this violation the result of reckless, knowing, or intentional conduct? **IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.**

. . . No Negligence	0
. . . Negligence	1-15
. . . Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to maintenance of noncoal waste within the permittee's operational area. Additionally, NOV N92-32-9-1 was issued in April, 1992, for this same occurrence.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.)

A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

. . . **IF SO - EASY ABATEMENT**

Easy Abatement Situation

. . . **Immediate Compliance** **-11 to -20***

. . . Immediately following the issuance of the NOV)

. . . **Rapid Compliance** **-1 to -10***

. . . (Permittee used diligence to abate the violation)

. . . **Normal Compliance** **0**

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance?

. . . **IF SO - DIFFICULT ABATEMENT**

Difficult Abatement Situation

. . . **Rapid Compliance** **-11 to -20***

. . . (Permittee used diligence to abate the violation)

. . . **Normal Compliance** **-1 to -10***

. . . (Operator complied within the abatement period required)

. . . **Extended Compliance** **0**

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? ____ **ASSIGN GOOD FAITH POINTS** -0

PROVIDE AN EXPLANATION OF POINTS

To be evaluated upon termination of the violation.

V. **ASSESSMENT SUMMARY FOR** N93-32-2-5 5/5

I.	TOTAL HISTORY POINTS	19
II.	TOTAL SERIOUSNESS POINTS	20
III.	TOTAL NEGLIGENCE POINTS	15
IV.	TOTAL GOOD FAITH POINTS	- 0
	TOTAL ASSESSED POINTS	54
	TOTAL ASSESSED FINE	$ 1160.00

jbe

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

pgl gch NOV

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HWY. 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5, 4 of 5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19__.

Part 4 of 5 is modified as follows: ABATEMENT TIME: NO LATER THAN 5:00 P.M. JUNE 5, 1993.

Reason for modification is as per operator request dated May 17, 1993.

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 05/24/93

Time of service/mailing 3:00 ~~a.m.~~ ~~p.m.~~ a.m. X p.m.

Date of inspection 4/22/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

SENIOR RECLAMATION SOILS SPECIALIST
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1

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Rev. 12/86 001059

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NOV

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 5 of 5 PART I is modified as follows: Abatement Time: No later than 5:00P.M. May 29, 1993

Reason for modification is As per operator request dated May 20, 1993

Part ____ of ____ is modified as follows: _____

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of ~~service~~/mailing 5-24-93 Time of ~~service~~/mailing 3:00 ☐ a.m. ☒ p.m.

Date of inspection 4/22/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Soils Specialist
Title

Henry Sauer
Signature

WHITE – DOGM YELLOW – OSM PINK – PERMITTEE/OPERATOR GOLDENROD – NOV FILE

DOGM/MVC-1

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VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HWY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5, 1 of 5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 1 of 5 is ☐ vacated ☑ terminated because the operator, in a letter dated April 28, 1993, has notified the Division of Water Quality Control of the Oil and Grease exceedance from PDES outfall #001

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Part ____ of ____ is ☐ vacated ☐ terminated because _____

Date of service/mailing May 17, 1993 Time of service/mailing 3:00 ☐ a.m. ☑ p.m.

PETER HESS — Permittee/Operator representative

ENVIRONMENTAL COORDINATOR — Title

Signature

HENRY SAUER — Division of Oil, Gas & Mining

Senior Reclamation Soils Specialist — Title

Henry Sauer — Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

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pgl

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Coal Company

Mailing Address P.O. BOX 99, State Highway 123, Sunnyside, Utah 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5 dated April 22, 19 93.

Cessation Order No. C _____ dated _____, 19 ____.

Part 2 of 5 is modified as follows: Remedial action is modified to "provide certified as-built at an appropriate scale for all surface disturbances within the Sunnyside Mine permit area (1"=100'). These as-builts must be based on new aerial photography.

~~Reason for modification is~~

~~Part ____ of ____ is modified as follows:~~ Abatement date is June 1, 1993.

~~Reason for modification is~~

Date of service/mailing 5-12-93 Time of service/mailing 10:00 ☒ a.m. ☐ p.m.

Date of Inspection 4/20-22/93

Joe Fielder
Permittee/Operator representative

General Manager
Title

Signature

LOWELL P. BRAXTON
Division of Oil, Gas & Mining

Associate Director, Mining
Title

Lowell P. Braxton
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 an equal opportunity employer Rev. 12/86 001059

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MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, HWY. 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5, 5 of 5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 5 of 5 (Part 2) is modified as follows: Abatement Deadline: No later than 5:00 P.M. May 12, 1993.

Reason for modification is as per operator request (facsimile) dated May 6, 1993

Post-It™ brand fax transmittal memo 7671	# of pages ▸ 1
To Gary Gray	From Pam
Co. Sunnyside	Co. DOGM
Dept.	Phone # 538-5340
Fax # 888-2581	Fax # 359-3940

Date of service/mailing 5-10-93 Time of service/mailing 11:00 ☒ a.m. ☐ p.m.

Date of inspection 4/22/93

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Soils Specialist
Title

Henry Sauer
Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1

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Sunnyside Coal Company

Operations • Highway 123 • P.O. Box 99 • Sunnyside, Utah 84539

Henry - then file
ACT/007/007
#5

May 6, 1993

Ms. Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Pam:

Re: N93-32-2-5, Violation 5 of 5
Failure to Place and Store Non-Coal Mine Waste in A Controlled Manner
Abatement: Part 2, Submittal of Plans for Regular Removal

Sunnyside Coal Company requests an extension of six days until May 12, 1993, for submittal of complete and adequate plans for the regular removal of non-coal waste from the #2 Canyon Storage Area.

Sunnyside Coal Company has nearly completed the necessary maps for this submittal; however, more time is needed for the document preparation.

Your approval of this request will be greatly appreciated.

Sincerely,

Peter H. Hess

Peter H. Hess
Environmental Coordinator

PHH:th

Corporate Offices
The Registry
1113 Spruce Street
Boulder, CO 80302
303-938-1506
FAX: 303-938-5050

Operations
Highway 123
P.O. Box 99
Sunnyside, UT 84539
801-888-4421
FAX: 801-888-2581

UTAH
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Oil, Gas & Mining
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MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 93-32-2-5-2of5 dated 4/22, 1993.

Cessation Order No. C _____ dated _____, 19____.

Part 2 of 5 is modified as follows: ABATEMENT DEADLINE: NO LATER THAN 5:00 P.M. JUNE 9, 1993

Reason for modification is as a result of violation 93-32-3-8 which will require significant alteration of mapping which requires

~~Part ____ of ____ is modified as follows:~~ certification (Abatement Deadline for 93-32-3-8-8of8: JUNE 9, 1993

Reason for modification is _____

Part ____ of ____ is modified as follows: _____

Date of service/mailing 4/23 Time of service/mailing 10:00 ☐ a.m. ☐ p.m.

Date of inspection 4/20-22/13, 4/26-28/13

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Signature

HENRY SAUER
Division of Oil, Gas & Mining

Senior Reclamation Specialist
Title

Signature

WHITE—DOGM YELLOW—OSM PINK—PERMITTEE/OPERATOR GOLDENROD—NOV FILE

DOGM/MVC-1 an equal opportunity employer Rev. 12/86 001059

(Copy from)

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

notice of violation

NO. N 93-32-2-5

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE MINE ☐ Surface ☑ Underground ☐ Other

County CARBON State UT. Telephone (801) 888-4421

Mailing Address P.O. BOX 99, STATE HIGHWAY 123, SUNNYSIDE, UT. 84539

State Permit No. ACT/007/007

Ownership Category ☐ State ☐ Federal ☐ Fee ☒ Mixed

Date of inspection April 22, 1993, 19 93.

Time of inspection 7:30 ☑ a.m. ☐ p.m. to ☐ a.m. ☑ p.m.

Operator Name (other than Permittee)

Mailing Address

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., ***Utah Code Annotated***, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is** ☐ **is not** ☐ expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailing 4/22/93 Time of service/mailing 4:30 ☐ a.m. ☑ p.m.

PETER HESS
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR
Title

Peter Hess
Signature

HENRY SAUER
Division of Oil, Gas & Mining representative

Senior Reclamation Soils Specialist
Title

Henry Sauer
Signature

#32
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N93-32-2-5

Violation No. 1 of 5

Nature of violation

Failure to comply with the terms and agreements of the approved plan. Failure to comply with the terms and agreements of UPDES permit NO. UT0022942. Failure to notify, in writing, within 5 days, the Division of Water Quality of a violation of a maximum discharge limitation.

B6

Provisions of act, regulations or permit violated

R645-300-143.
R645-301-223.

Portion of operation to which notice applies

UPDES DISCHARGE POINT 001, also known as the TWIN SHAFT MINE WATER POND, DURING MARCH OF 1993.

Remedial action required (including any interim steps)

NOTIFY PROPER AGENCIES, AS REQUIRED, OF THE EFFLUENT LIMITATION EXCEEDANCE.

Abatement time (including interim steps)

NO LATER THAN 5:00 P.M. APRIL 29, 1993

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

an equal opportunity employer

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N93-32-2-5

Violation No. 2 of 5

Nature of violation

Failure to certify by a qualified, registered, professional engineer or land surveyor, permit maps.

A3

Provisions of act, regulations or permit violated

R645-301-512.

Portion of operation to which notice applies

The following maps were not certified: SSSF DRAINAGE MAP; SURFACE FACILITIES MAP; NO. 2 CANYON DRAINAGE MAP; ROAD (ANCILLARY) CROSS SECTIONS; HAUL ROAD PROFILES MAP; MANSHAFT DRAINAGE MAP. This is not an all inclusive list. The majority of the permit maps were not certified.

Remedial action required (including any interim steps)

Certify all maps as required listed under R645-301-512. et. seq.

Abatement time (including interim steps)

No LATER THAN 5:00 P.M. APRIL 29, 1993

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N93-32-2-5

Violation No. 3 of 5

Nature of violation

Failure to comply with the terms and agreements of the approved permit. Failure to conduct water monitoring as required in the approved plan.

B8

Provisions of act, regulations or permit violated

R645-301-143

R643-301-731, 200 et. seq.

Portion of operation to which notice applies

SURFACE MONITORING LOCATION + MONTH as follows:

1) G.T.-2 + G.T.-3 : JANUARY, 1993

2) G.T.-3 : FEBRUARY, 1993

3) G.T.-2, 3, 4 : MARCH, 1993

~~4) [illegible] : [illegible], 1993~~

Remedial action required (including any interim steps)

NONE

Abatement time (including interim steps)

N/A

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

an equal opportunity employer

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N93-32-2-5

Violation No. 4 of 5

Nature of violation

FAILURE to provide periodic sediment removal sufficient to maintain adequate volume for the design event.

B10

Provisions of act, regulations or permit violated

R645-301-742.221.36

Portion of operation to which notice applies

Lower NO. 2 SEDIMENT POND (UPDES DISCHARGE POINT # 010)

Remedial action required (including any interim steps)

Clean out sediments to maintain sufficient volume for the design event.

Abatement time (including interim steps)

NO LATER THAN 5:00 MAY 22, 1993.

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

an equal opportunity employer

UTAH
NATURAL RESOURCES
Oil, Gas & Mining

NOTICE OF VIOLATION NO. N93-32-2-5

Violation No. 5 of 5

Nature of violation

FAILURE TO PLACE AND STORE NONCOAL MINE WASTE IN A CONTROLLED MANNER IN A DESIGNATED PORTION OF THE PERMIT AREA.

F3

Provisions of act, regulations or permit violated

R645-528.331

Portion of operation to which notice applies

ENTIRE SURFACE FACILITIES AREA

Remedial action required (including any interim steps)

PART 1) CLEAN UP ALL NONCOAL MINE WASTE FROM THE FACILITIES AREA AND PLACE IN A DESIGNATED PORTION OF THE PERMIT AREA.

PART 2) SUBMIT PLANS, FOR DIVISION APPROVAL, FOR THE REGULAR REMOVAL OF NONCOAL WASTE FROM THE NO. 2 CANYON NONCOAL WASTE STORAGE AREA.

Abatement time (including interim steps)

PART 1) NO LATER THAN 5:00 P.M. MAY 22, 1993.

PART 2) SUBMIT PLANS NO LATER THAN 5:00 P.M. MAY 6, 1993
UPON APPROVAL IMPLEMENT PLANS WITHIN TWO CALENDER WEEKS.

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE