



### MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SWANYSIDE COGENERATION ASSOCIATES

Mailing Address P.O. BOX 58087 SLC, UT 84158-0087

State Permit No. ACT-07-035

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

Notice of Violation No. N 93-40-5-9#1 dated AUGUST 17, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: THE PORTION OF THE OPERATION TO WHICH THE NOTICE APPLIES IS ONLY THE UNRECLAIMED PORTION OF THE THIRD LIFT.

Reason for modification is THE PERMITTEE HAS PLANNED TO MINE THE FIFTH LIFT AS EVIDENCED BY CORRESPONDENCE DATED 9/15/93 PAGE 4 (ATT) AND CHAPTER 9

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: SECTION 9.9.2.1 PAGE 900-19 OF THE PROPOSED RECLAMATION PLAN DATED 12/30/93 (ATT. ALSO)

Reason for modification is \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailling 4/13/94 Time of service/mailling 3:00  a.m.  p.m.

Date of inspection AUGUST 4, 5, 10 + 11 1993

DAVID PARRCO  
Permittee/Operator representative

RESIDENT AGENT FOR PERMITTEE  
Title

MAILED FROM D.O.G.M. OFFICE  
Signature

JOSEPH C. HELFRICH  
Division of Oil, Gas & Mining

REGULATOR/ PROGRAM COORDINATOR  
Title

Joseph C. Helfrich  
Signature

## **SECTION TWO: VIOLATIONS**

The following section outlines information contained in this submittal that refers directly to the requirements of NOV's that were issued on August 17, 1993. Violations that have not been previously abated and/or are due on or before September 15, 1993 are addressed.

### **VIOLATION 1 of 9 - Failure to Preform Contemporaneous Reclamation**

**Response:** SCA submitted a letter to DOGM on August 24, 1993 discussing the plans for contemporaneous reclamation for the coarse refuse lifts. The letter referred to Chapter Nine, page 900-11, for a discussion on contemporaneous reclamation planned for the SCA Permit Site. As stated in the letter, contemporaneous reclamation will be employed on the third lift of the coarse refuse pile. No other contemporaneous reclamation will occur due to the fact that the coarse refuse is planned to be mined in the near future for use at the cogeneration facility.

### **VIOLATION 2 of 9 - Failure to conduct coal mining and reclamation operations in accordance with the approved plan**

**Response:** Chapter Nine of the PAP has been updated to include a plan for the utilization of three storage areas which will be utilized for both fine and coarse refuse. Sections 9.6.3 and 9.11.4 discuss the necessary preparation of the three storage areas, drainage control, capacity and general usage. Plate 9-2 shows the detailed design of these areas. Hydrologic calculations are included in Appendix 7-3 for the Pasture Pond Drainage area which incorporates the Storage Areas.

### **VIOLATION 3 of 9 - Failure to maintain the fence around the revegetation test plot**

**Response:** This violation has been abated, therefore, it is not specifically addressed in this submittal.

### **VIOLATION 4 of 9 - Failure to design appropriate sediment control measures**

**Response:** Chapter Seven of the included submittal has been updated to include sediment control measures for the required topsoil piles. Appendix 7-7 includes detailed hydrologic and sedimentation calculations concerning the topsoil piles and berm details for each pile.

### **VIOLATION 5 of 9 - Failure to classify each road**

**Response:** New Plates 5-8A, 5-8B, and 5-8C have been incorporated into Chapter Five of the enclosed PAP. The plates show road classifications and typical cross sections for various sections of the roads, respectively. The text has also been updated to reflect these changes.

### **9.9.2.1 INTERIM RECLAMATION OF THE THIRD LIFT OF THE COARSE REFUSE PILE**

Revegetation on all land that is disturbed by coal mining and reclamation operations will occur as contemporaneously as practicable with mining operations, except when such mining operations are conducted in accordance with a variance for combined SURFACE and UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES issued under R645-302-280. During the life of SCA operations, interim reclamation will be accomplished as necessary or as required by the Division. Cover material will be obtained from an approved borrow material site and the depth of cover will be approved by DOGM prior to conducting contemporaneous reclamation.

Presently, the only area requiring interim reclamation is the third lift of the coarse refuse pile. The Division has approved SCA's plan to cover the remaining portion of the third lift with two (2) feet of borrow material. The material in the designated Noncombustible Waste Disposal Site was previously approved by DOGM to use as borrow material, therefore, SCA will utilize this material to cover the remainder of the third lift. There are approximately two (2) acres remaining to be covered which will require a maximum of 6,500 cubic yards of material.

Revegetation will be accomplished in accordance with R645-301-353. The Interim Seed Mixture (Figure 9-1) will be utilized for interim reclamation of the third lift. Erosion and sediment control will consist of slope stabilization using 16-16-8 fertilizer at a rate of 313 pounds per acre and wood fiber mulch at a rate of one (1) ton per acre.

### **9.9.3 SEEDING AND PLANTING**

All seeding will be done during the fall of the year of reclamation in order to maximize revegetation success. It should be noted, however, that seeding using the interim seed mixture may occur during other seasons if needed to control erosion or soil degradation.

The seed mix, application rate, and seeding techniques are based on reclamation experience in the area, as well as on consideration of local environmental conditions of soil, slopes, elevation, and precipitation. Use of this seed mix will result in a rapidly established and effective vegetation cover capable of minimizing erosion and meeting the goals of the reclamation program. The seed mix proposed for use in final reclamation, shown on Plate 10-1, is designed to reestablish a wildlife vegetative type and will be planted throughout the disturbed area. This proposed seed mix contains species well adapted to the area, and will produce a diverse, effective vegetation cover capable of self-regeneration.

Seed availability will determine the ultimate seed mixture and variety of seed used. If a variety of seed is not available, DOGM will be notified and additional seed of one of the seeds listed or another species or variety will be substituted upon approval by DOGM so that the final PLS per acre is equivalent to the proposed mix.

During final reclamation, the seed mixture will be placed by either hydroseeding or by broadcast seeding, depending upon the slope. On steep slopes where equipment cannot be safely operated, the seed will be broadcast.

The final reclamation plan is designed to provide successful reclamation when compared with the current condition of the two reference areas. It is anticipated the required live shrub stem density can be achieved from the shrub seed currently in the seed mix.



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## VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Summit Oil Company

Mailing Address P.O. Box 99, Summit, UT 84539

State Permit No. AC 10671002

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

Notice of Violation No. N 93-40-5-9 dated 17 Dec and, 19 93

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 3 of 9 is  vacated  terminated because Agreement

attainment agreement between Summit Oil Company  
and the State of Utah regarding the  
reclamation of the Summit Oil Company

Part 6 of 9 is  vacated  terminated because responsibility for

compliance with 504, with the  
and the Utah M.V.'s.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

The vacated notice is a  
termination notice.

Date of service/mailing 11/19/93

Time of service/mailing 3:30  a.m.  p.m.

**JOE FIELDER**  
Permittee/Operator representative

**GENERAL MANAGER**  
Title

Signature  
Lois H. P. Brant  
Division of Oil, Gas & Mining

Signature  
Assoc. Dir. M. J.  
Title

Signature  
Summit Brant



### 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/007/007

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

Notice of Violation No. N 93-40-5-9 dated August 17, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

<sup>1126</sup> Part 1 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

<sup>1126</sup> Part 2 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

<sup>1126</sup> Part 4 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

*The violation notice expires to the termination notice of 11/16/93.*  
Date of service/mailing 11/16/93 Time of service/mailing 10:30  a.m.  p.m.

**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



### 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 81539

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 B-40-5-9 dated August 17, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

<sup>NOV 5</sup> Part 5 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

<sup>NOV 7</sup> Part 7 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

<sup>NOV 8</sup> Part 8 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

Date of service/mailing ~~XXXXX~~ 11/16/93 Time of service/mailing ~~XXXXX~~ 10:30  a.m.  p.m.

**JOE FIELDER**

**GENERAL MANAGER**

Permittee/Operator representative

Title

Signature

**Lowell P. Braxton**

**Associate Director, Mining**

Division of Oil, Gas & Mining

Title

Signature Lowell P. Braxton



### 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/002/007

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

Notice of Violation No. N 93-40-5-9 dated August 17, 19 93

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 10/9 of 9 is  vacated  terminated because Acquisition of a signed settlement agreement between Sunnyside Coal and Sunnyside Cogeneration established

responsibility for this compliance action with SCA, and precludes the need for dual NOV's.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of service/mailing 11/16/93

Time of service/mailing 10:30  a.m.  p.m.

JOE FIELDER  
Permittee/Operator representative

GENERAL MANAGER  
Title

Signature  
Lowell P. Braxton

Signature  
Associate Director, Mining

Division of Oil, Gas & Mining  
Signature  
Lowell P. Braxton

Title  
Signature



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3/3

### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunrise Coal Company  
Mailing Address P.O. Box 99, Sunrise, Utah 84539  
State Permit No. AC1/007/007

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

Notice of Violation No. N 93-40-5-9 dated August 17, 1993

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_

Part 1 of 9 is  vacated  terminated because the attached  
Memorandum Operating Agreement  
was approved, effective October 27, 1993.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of service/mailing 10-28-93 Time of service/mailing 5:00  a.m.  p.m.

Permittee/Operator representative \_\_\_\_\_ Title \_\_\_\_\_

Signature FAMELA CURBAUGH-LITTLE General Supervisor  
Division of Oil, Gas & Mining \_\_\_\_\_ Title \_\_\_\_\_

Signature Shelby Dubach Little



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### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Summit Coal Company

Mailing Address P.O. Box 99, Summit, 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 93-40-5-9 dated August 17, 1993

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_

Part 5 of 9 is  vacated  terminated because the attached memorandum of Operating Agreement was approved, effective October 27, 1993.

Part 7 of 9 is  vacated  terminated because see above

Part 8 of 9 is  vacated  terminated because see above

Date of service/mailing 10-28-93 Time of service/mailing 5:00  a.m.  p.m.

Permittee/Operator representative \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

PAMELA GRUBBISH-LITTLE  
Division of Oil, Gas & Mining  
Signature \_\_\_\_\_ Title Permit Supervisor

Signature \_\_\_\_\_



113

### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sundance Coal Company

Mailing Address P.O. Box 99, Sundance, 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 93-40-5-9 dated August 17, 1993

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_

Part 1 of 9 is  vacated  terminated because the attached  
Memorandum of Operating Agreement  
was approved, October 27, 1993.

Part 2 of 9 is  vacated  terminated because same as above

Part 4 of 9 is  vacated  terminated because same as above

Date of service/ mailing 10-28-93

Time of service/ mailing 5:00  a.m.  p.m.

Permittee/Operator representative \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

PAMELA GRUBANK-HITIG  
Division of Oil, Gas & Mining

Truant Supervisor  
Title

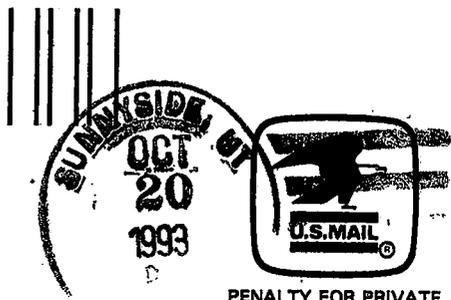
[Handwritten Signature]  
Signature

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**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.



PENALTY FOR PRIVATE USE, \$300

**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:  SUNNYSIDE COAL CO. PO BOX 99 SUNNYSIDE, UT 84539		4. Article Number P 074 975 469	
		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
		Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature -- Address X <i>[Signature]</i>		8. Addressee's Address (ONLY if requested and fee paid)  ACT/007/007	
6. Signature -- Agent X			
7. Date of Delivery			

RETURN TO →

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**RECEIPT FOR CERTIFIED MAIL**  
 NO INSURANCE COVERAGE PROVIDED  
 NOT FOR INTERNATIONAL MAIL  
 (See Reverse)

Sent to <b>SUNNYSIDE COAL CO.</b>	
Street and No. <b>po box 99</b>	
P.O., State and ZIP Code <b>SUNNYSIDE, UT 84539</b>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985



### 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. RC-1007/1007

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

Notice of Violation No. N 93-40-5-9 dated August 17, 1993.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.

Part 1, 2, 4, 5, 7, 8, and 9 of \_\_\_\_\_ is modified as follows: extend review period to  
November 2, 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 10/15/93 Time of service/ mailing 5:30  a.m.  p.m.

**CERTIFIED MAIL, P 074 975 469**

Date of Inspection \_\_\_\_\_

JOE FIELDER  
Permittee/Operator representative

MINE MANAGER  
Title

Signature \_\_\_\_\_

PAMELA GRUBA (CH. LITIG)  
Division of Oil, Gas & Mining

Permit Supervisor  
Title

Pamela Gruba (Ch. Litig)  
Signature



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## VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Cogeneration Associates & Sunnyside Coal Company

Mailing Address P. O. BOX 99, SUNNYSIDE, UTAH 84539

State Permit No. ACT/007/035 & ACT/007/007

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

Notice of Violation No. N 93-40-5-9 dated 17 August, 1993.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.

Part 6 of 9 is  vacated  terminated because the measures specified under the remedial action section have been completed as observed by the undersigned on 1 September 1993.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of service/mailing 9/2/93 Time of service/mailing 3:00  a.m.  p.m.

**FRED FINLINSON**  
Permittee/Operator representative

**RESIDENT AGENT**  
Title

Signature

**Hugh Klein**  
Division of Oil, Gas & Mining

**Reclamation Specialist #40**  
Title

Signature



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VKH

## 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 93-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part 1,2,4,5,8,9 are ~~is~~ modified as follows: The abatement date for approval of plans is

changed to 15 October 1993.

Reason for modification is to allow for Division review.

Part 1,2,4,5,8,9 are ~~is~~ modified as follows: The abatement date for implementation is

changed to 29 October 1993.

Reason for modification is based on the change in the abatement date for approval of plans.

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailing 9/22/93 Time of service/mailing 3:00  a.m.  p.m.

Date of Inspection 4, 5, 10 & 11 August 1993

Joe Fielder  
Permittee/Operator representative

Mine Manager  
Title

Signature \_\_\_\_\_

Henry Sauer  
Division of Oil, Gas & Mining

Reclamation Specialist #32  
Title

Signature *Henry Sauer*



### 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/007/007

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

Notice of Violation No. N 93-40-5-9 dated 17 August, 1993

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 8 of 90 is  vacated  terminated because the measures specified under the remedial action section of the NOV have been completed. This was observed by the undersigned on 14 September 1993. *see 10/1/93*

Part 7 of 9 is  <sup>Partially</sup> ~~vacated~~ terminated because the mitigation plan has been submitted and is acceptable. Implementation of the plan will fully abate the NOV. The deadline for implementation is 1 October 1993 at 5 PM.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of service/mailling 9/16/93

Time of service/mailling 3:00  a.m.  p.m.

Joe Fielder

Permittee/Operator representative

General Manager

Title

Signature

Hugh Klein

Division of Oil, Gas & Mining

Reclamation Specialist

#40

Title

Signature

# Sunnyside Coal Company

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

September 7, 1993

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

RECEIVED

SEP 09 1993

DIVISION OF  
OIL, GAS & MINING

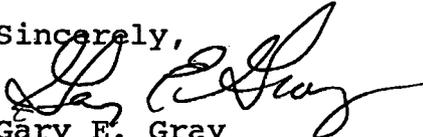
Dear Pam:

Re: Mitigation Plan for the Additional Disturbed Area Caused  
by the Coarse Refuse Toe Pond Cleanout, and Abatement of  
NOV N93-40-5-9, Violation 7 of 9.

Attached please find the plans and information regarding the above.

I trust that you will find the information complete in order to  
abate the NOV, and that the mitigation plan will meet with your  
approval. Please contact me if there are any problems or concerns.

Sincerely,

  
Gary E. Gray  
Chief Engineer

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

Abatement of NOV N93-40-5-9 (7 of 9)

The following is information which will abate NOV N93-40-5-9, (7 of 9).

During construction of the Coarse Refuse Toe Pond (in 1987), topsoil from the pond and surrounding area was removed and stockpiled in the topsoil pile illustrated on the enclosed maps. Thus, the majority of the sediment removed during the recent cleanout of the CRT Pond was temporarily stored in a previously disturbed area which had already had its topsoil removed. (The portion of the sediment removed which sloughed off the berm and on to an undisturbed area is addressed in the accompanying Mitigation Plan.)

In addition, as shown on Plate III-23 in the approved PAP, the majority of the area that was disturbed during the cleanout of the CRT Pond lies completely within the disturbed area. A partial copy of Plate III-23 (Exhibit B) is attached. Also included is Exhibit A, which shows the former locations of pond cleanout material.

SCC will revegetate this area using the approved interim seed mixture this fall planting season.

Mitigation Plan for the Coarse Refuse Toe Pond Cleanout  
Material which was Inadvertently Deposited Outside of the  
Disturbed Area Boundary - NOV N93-40-5-9

During the recent cleanout of sediment from the CRT Pond the cleanout material was temporarily piled on the berm above the pond in such a way that allowed a small amount of material to slough off the pile and down a slope outside of the disturbed area boundary. The following are plans to mitigate this situation.

The pond cleanout material which lay outside of the disturbed area boundary has been removed and disposed of in the Coarse Refuse Pile in accordance with plans outlined in the approved PAP on pages

The disturbed area, which comprises approximately 325 square feet (0.007 acre) has been prepared for reclamation, which will be done in the fall planting season (next month) and in accordance with procedures for final reclamation as outlined in the approved PAP on pages 54-58 (attached). The final reclamation seed mix for Pinyon-Juniper/Grass, given in the PAP in Table III-1, will be used. In the event that some species are unavailable, SCC will contact the Division for approval of a modified seed mixture.

In the meantime, a silt fence has been installed, as shown on the attached map (Exhibit B). The silt fence will remain in place until revegetation equal to that which was in place prior to the disturbance of the area has been established.

## CHAPTER III

### 3.5.5 Revegetation Plan

The revegetation plan has been designed to re-establish several plant communities on the disturbed sites that are self-sustaining and capable of controlling erosion. Species have been selected which are important for supporting and complementing the planned post-mine land uses of fish and wildlife habitat, recreation and livestock grazing. Perennial forage species selected will minimize the amount of disclimax species such as Bromus tectorum.

Little variation in revegetation techniques are expected to be necessary at Sunnyside, with the exception of techniques required on the coarse refuse. The revegetation techniques on the coarse refuse are currently under study. The purposes of this study are presented in Appendix III-7. The refuse material may contain material unsuitable as a plant growth medium. The material may also exhibit characteristics of toxic or acid-forming material. Typical coarse refuse material analytical results are given in Appendix III-15. There is no special segregation of unsuitable plant growth medium, or toxic or acid-forming material during disposal operations. Reclamation activities will identify this material and reclamation procedures ensure proper covering of this material. Other supporting information is in Chapter VIII.

The primary differences between sites will be application of seed mixes appropriate to each habitat type. The amount of tackifier is doubled on steep slopes. Soil preparation equipment varies, e.g. bulldozer, tractor, disk, maintainer, front-end loader, etc. depending on site specific conditions and equipment availability. Seeding will be by a drill on level to gently sloping areas and hydroseeding on steeper or less accessible areas. When the hydroseeder is used the seed rate is increased (Tables III-15 through III-18).

#### 3.5.5.1 Soil Preparation

Prior to seeding, soil will be disked or scarified if a crust has developed since final grading or disking of phosphorous. Otherwise, no special soil preparation will be necessary after final grading and addition of any necessary nutrients.

Special soil preparation, such as the addition of lime, may be necessary prior to revegetation of coarse coal refuse. This factor

## CHAPTER III

is currently under study (Chapter VIII).

The coarse refuse disposal areas will require the placement of a substitute soil. Following the placement of the substitute soil, soil samples will be taken on a 2-acre spacing to determine soil nutrients. The samples will be tested for EC, conductivity, texture, pH, available phosphorus, and potassium. Based on the test results, a soil amendment plan will be established.

### 3.5.5.2 Seeding and Transplanting

The revegetation plan addresses each habitat type or vegetation type and not each disturbed site. As the disturbed areas are relatively small, each facility or area will be reclaimed to the appropriate habitat type in which it occurs. These are illustrated on Plate III-1.

The exception to the revegetation plan is the coarse refuse and slurry ponds. Until research is completed, it is uncertain what habitat type will be created. It is likely, however, that the area will be returned to a shrub/grass type rather than a woodland.

All disturbed areas will be seeded the first planting season after site preparation is complete. The Soil Conservation Service recommends autumn seeding (George Cook, personal communication). Many native shrub seeds have a stratification requirement and autumn planting will allow these seeds to overwinter (Monson and Christensen, 1975). Spring seeding of grasses and forbs can also be done. If any transplanting becomes necessary, it will be in early spring to allow the trees and shrubs to naturally break dormancy.

The seed mixes have been carefully prepared according to the habitat type to be reseeded, the post-mine land uses, erosion control capability and seed availability (Tables III-15 through III-18 and Figure III-8).

Experience has proven the addition of annual and exotic grasses, which have quick establishment rates, is detrimental to the establishment of nature species, both seeded and invaded (Oaks 1981, Wolfe 1982). Therefore these have been omitted. All species combined will provide erosion control. Table IX-39 describes documented forage values of the species to be used for deer and elk. The mixes may vary from year-to-year, depending on seed availability and cost.

## CHAPTER III

Each seed mixture is titled for the habitat to be reclaimed. Locations of the disturbed areas, mapped according to habitat type, are shown on Plate III-1. The revegetation plan is designed to return each site to a community similar to what is thought to have occurred prior to the mining disturbance. The species and procedures may be changed if data becomes available from the test plots that establishes a clear need for change.

Seeding rates are based upon critical areas (Merkel and Herbel 1973, EPA 1975). The main facility sites and other similar gently sloping areas will be drilled with a native seed drill. Slopes and areas difficult to reach will be seeded with a hydroseeder. The seed will be applied in a water slurry. Mulch will be applied in a separate step.

The current plan will require the establishment of about 1,800 shrubs and trees per acre to equal the densities in the pinyon-juniper/grass reference area. This live stem density, as required in UMC 817.117, can be achieved from the shrub seed currently in the seed mix. Shrub transplants (containerized stock) will be hand planted to achieve required stem density only if it is necessary to supplement the seed mix.

The tree type (pinyon-juniper) is only fifteen acres which consist of small sites or long narrow strips. No trees or shrubs will be transplanted here, as natural invasion should fill in these areas. The shrub seed in the seed mix will provide enough stems per acre to equal the densities (550 stems/acre) in the pinyon-juniper reference area.

The two shrub types (mountain brush and sagebrush/grass) will not require transplanting. The amount of shrub seed mix will provide enough stems/acre to comply with UMC 817.117.

### 3.5.5.3 Mulching

Seeded areas will typically be mulched with native hay at a rate of two tons/acre. The hay will be installed with a hay blower or by hand on small areas. It will be crimped in place on level areas and/or tacked with an application of about 150 pounds/acre wood fiber and liquid organic tackifier such as J-tac. A rate of forty pounds/acre is used on level to gently sloping areas. On steep slopes, the rate of the liquid tackifier is doubled.

Jute matting or excelsior blankets will be used to aid seed establishment in drainage areas or to control localized gullyng. Gullies are a common component of the local and regional

## CHAPTER III

topography. Therefore drainages through planned sites will be constructed during regrading to help control erosion.

Within limitation of equipment, much of the rock will be replaced. Rocks help act as a deterrent to erosion, improve water retention, and create micro-environments which enhance seed germination.

The rock is not intended to be used as a mulch, but rather to re-create a particular habitat type. Similar use of rocky soils in New Mexico has proven successful (Wolfe 1981), whereas loamy soils without rocks replaced on slopes undergo accelerated erosion until a "stone pavement" of small included pebbles develop. Meanwhile, soil losses of six inches and more are visible as demonstrated by pedestalled grasses.

### 3.5.5.4 Management

#### Grazing Protection

The reseeded areas will be protected from livestock grazing. Protection from wildlife is generally impractical. However, plastic net guards will be used when necessary to prevent browsing of trees and shrub transplants.

#### Irrigation

Irrigation will not be necessary to establish vegetation. The revegetation at Sunnyside will be mulched to increase germination and improve soil moisture retention. The Bureau of Land Management range improvement seedings, in chained pinyon-juniper north of the town of Sunnyside, have been successful without supplementary water.

#### Weed Control

All seed purchased will be labeled in accordance with the Federal Seed Act, Section 201. This law limits or restricts the presence of certain noxious plant species.

Native hay will be selected to introduce a minimum of weed seed. Revegetation experience has shown that after a couple of years, most weeds are naturally eliminated from the stands. If weeds should become a problem for some reason, mowing may be used where terrain permits (EPSA 1975), or in extreme cases, herbicides could be applied.

## CHAPTER III

### Disease and Pest Control

Any necessary insect or rodent control will be guided by the U.S. Fish and Wildlife Services, The Utah State Cooperative Extension Service, and the Animal, Plant, Health Inspection Service.

#### 3.5.5.5 Monitoring

Revegetated areas will be monitored on a schedule recommended by DOGM. Revegetated sites not subject to final reclamation will not be monitored until after final revegetation. (Monitoring is discussed in Section 9.8).

#### 3.5.6 Schedule of Reclamation

##### 3.5.6.1 Detailed Timetable

Contemporaneous reclamation is discussed in Section 3.5.1; these activities will continue until the mine closure. Upon completion of mining, reclamation will be performed as described in Sections 3.5.3, 3.5.4 and 3.5.5. Table III-10 presents the proposed reclamation and revegetation time schedule.

##### 3.5.6.2 Reclamation Monitoring

Reclamation success of post 1977 disturbed areas will be determined by comparing data from DOGM approved reference areas with the corresponding reclaimed sites, in accordance with UMC 817.116 and 817.117. The parameters to be compared include vegetation cover and stem density.

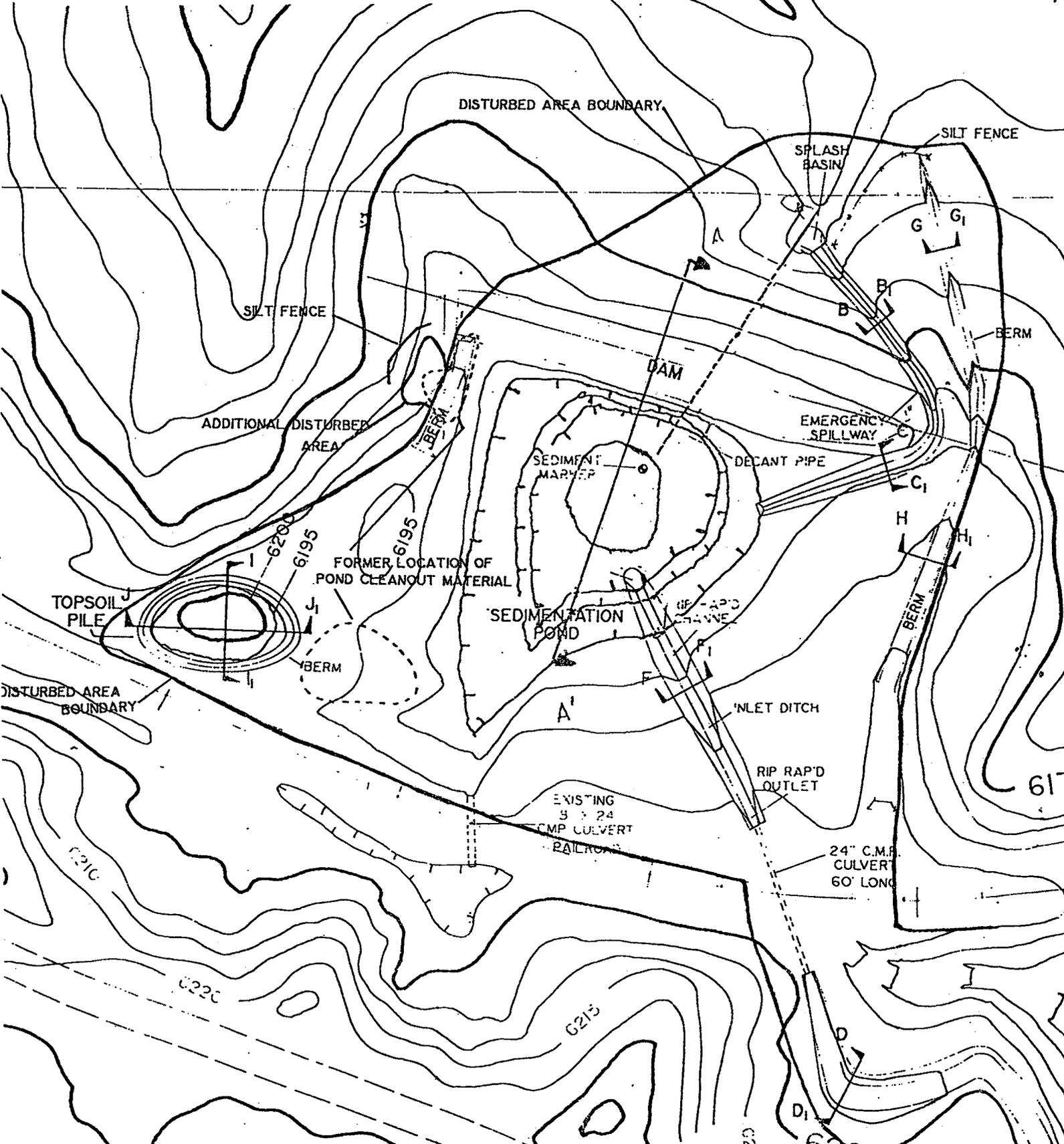
Reclamation and revegetation are generally inspected and monitored by OSM and DOGM. Revegetation monitoring is discussed in Section 9.8. On federal lands, disturbed acreage and reclaimed areas will be surveyed regularly and reports submitted according to CFR 211.62.

Qualitative inspections and monitoring of the final reclamation will be done on an annual basis throughout the bonding period. All sites will be inspected at least once a year for seeding or soil stability failure or problem areas (actual or potential). Any damaged areas will be repaired.

6150

EXHIBIT A  
LOCATION OF ADDITIONAL  
DISTURBED AREA (0.007 ACRE)  
AND SILT FENCE

(SCALE: 1" = 50')

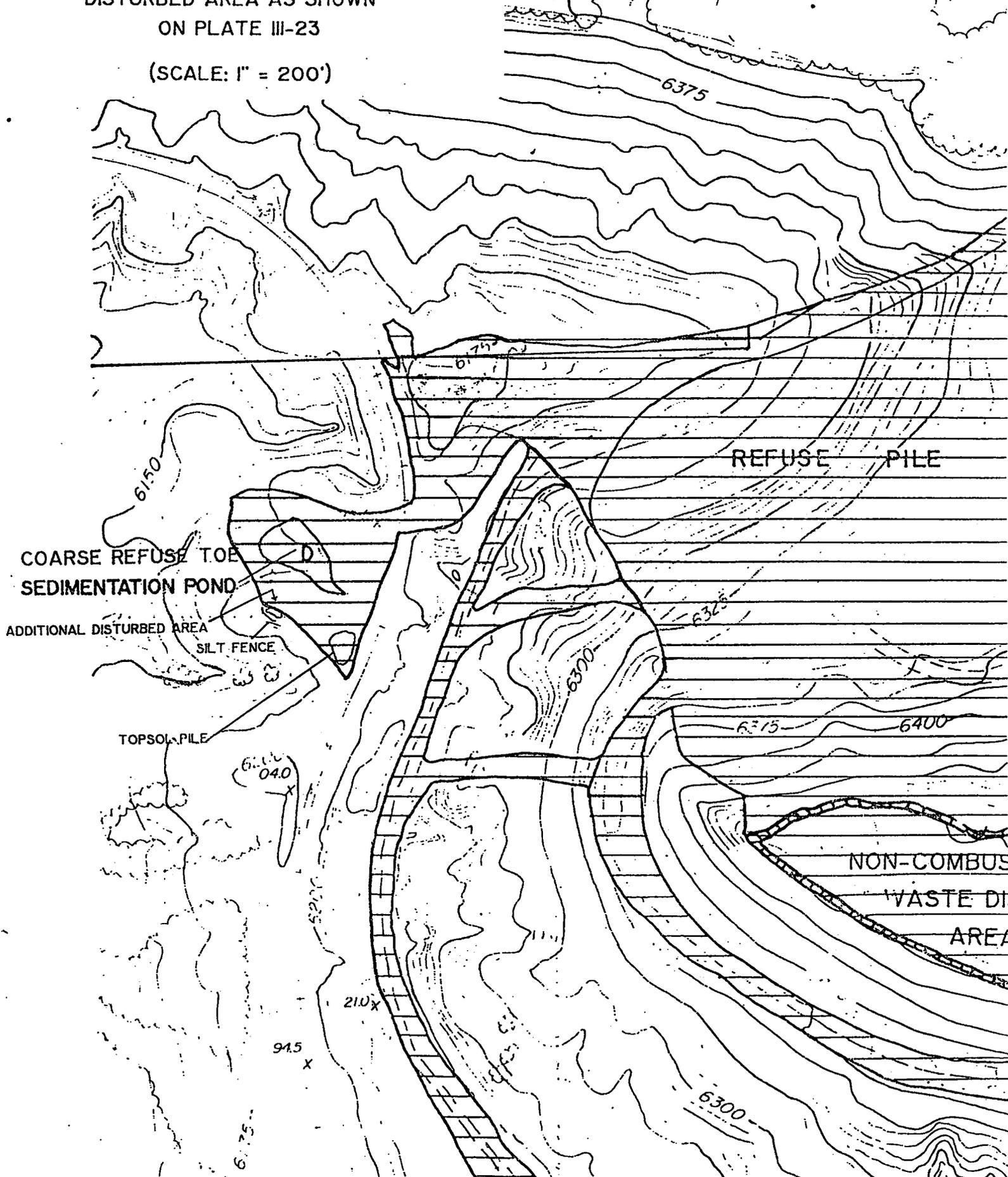


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EXHIBIT B

DISTURBED AREA AS SHOWN  
ON PLATE III-23

(SCALE: 1" = 200')





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 **93-40-5-9** dated **17 August**, 19**93**.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.

Part **4** of **9** is modified as follows: **The abatement date for part 1 is changed to 17 September 1993.**

Reason for modification is **as per Operator request (see attached).**

Part **8** of **9** is modified as follows: **The abatement date for part 1 is changed to 27 September 1993.**

Reason for modification is **as per Operator request (see attached).**

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailling **9/16/93** Time of service/mailling **3:00**  a.m.  p.m.

Date of Inspection **4, 5, 10 & 11 August 1993**

**Joe Fielder**  
Permittee/Operator representative

Signature

**General Manager**  
Title

**Hugh Klein**  
Division of Oil, Gas & Mining

Signature

**Reclamation Specialist 340**  
Title

# Sunnyside Coal Company

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

September 14, 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:

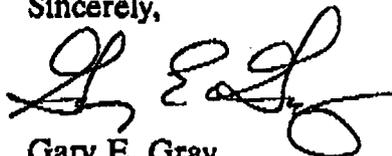
Re: Extension Request for Abatement of NOV N93-40-5-9, Violation 4 of 9,  
Topsoil Pile Sediment-Control Measures

Sunnyside Coal Company requests an extension of the abatement date of Part 1 of the above NOV to September 17, 1993, to allow for the completion of permit amendment application addressing sediment-control measures for topsoil piles.

Part 2 should be extended to October 1, 1993, and Part 3 extended to October 15, 1993.

We would appreciate your approval of the request. Please call if you have any questions.

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

# Sunnyside Coal Company

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

September 14, 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:

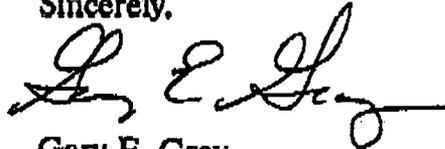
Re: Extension Request for Abatement of NOV N93-40-5-9, Violation 8 of 9,  
Pasture Pond Outlet Ditch

Sunnyside Coal Company requests an extension of the abatement date of Part 1 of the above NOV to September 27, 1993, in order to work with SCA and rectify map boundary with field boundary. A map accurately depicting the boundary of the permit should be the result.

Part 2 should be extended to October 11, 1993, and Part 3 extended to October 25, 1993.

We appreciate your consideration and approval of this request. Please call if you have any questions.

Sincerely,



Gary E. Gray  
Chief Engineer

GEG:th

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder CO 80309  
303-938-1506  
FAX: 303-938-5050

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



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  
801-358-3940 (Fax)  
801-538-5318 (TDD)

September 16, 1993

CERTIFIED RETURN RECEIPT  
P 074 977 039

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

Re: Proposed Assessment for State Violation No. N93-40-5-9, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Fielder:

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, Hugh Klein on 17 August, 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

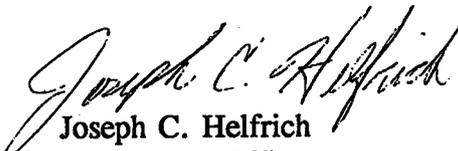


Page 2  
N93-40-5-9  
ACT/007/007  
September 16, 1993

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 Company/Sunnyside Mine NOV #N93-40-5-9

PERMIT # ACT/007/007 VIOLATION 1 OF 9

ASSESSMENT DATE 09/14/93 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 09/14/93 EFFECTIVE ONE YEAR TO DATE 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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 27

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?  
Reduced establishment of diverse and effective vegetative cover.
- 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

The inspector's statement reveals that "by not performing contemporaneous reclamation as soon as practicable, the permittee has reduced the establishment of diverse and effective vegetative cover on the entire outslope of the fifth lift and part of the third lift of the coarse refuse pile."

- 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 Greater Degree of Fault

ASSIGN NEGLIGENCE POINTS 16

PROVIDE AN EXPLANATION OF POINTS

The violation was a result of lack of reasonable care. Contemporaneous reclamation of the coarse refuse pile has been and is an ongoing concern, which has been communicated to the permittee. Despite this, the permittee has not taken the proper measures in order to accomplish contemporaneous reclamation as required by the

R645 rules. The inspector's statement additionally revealed that the operator had been informed of a need to address contemporaneous reclamation by way of formal and informal communication as well as a previous Notice of Violation #N92-20-2-1.

**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

To be evaluated upon termination of the NOV.

**V. ASSESSMENT SUMMARY FOR N93-40-5-9 1/9**

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>16</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>63</u>
	TOTAL ASSESSED FINE	<u>\$1,640</u>

jbe



*PK* *JK*

### 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 Permt No. ACT/007/007

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

Notice of Violation No. N 93-40-5-9 dated 17 August, 1993

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 3~~2~~ of 9 is  vacated  terminated because the measures specified under the remedial action section of the NOV have been completed. This was observed by the undersigned on 14 September 1993. EFF. 9/8/93

Part 7 of 9 is  ~~vacated~~  terminated because Partially submitted and is acceptable. Implementation of the plan will fully abate the NOV. The deadline for implementation is 1 October 1993 at 5 PM.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of ~~service~~/mailing 9/16/93

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

Joe Fielder  
Permittee/Operator representative

General Manager  
Title

Signature

Hugh Klein  
Division of Oil, Gas & Mining

Reclamation Specialist #40  
Title

*Hugh Klein*  
Signature

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

**COMPANY/MINE** Sunnyside Coal Company/Sunnyside Mine      **NOV #** N93-40-5-9

**PERMIT #** ACT/007/007      **VIOLATION** 2 **OF** 9

**ASSESSMENT DATE** 09/14/93      **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** 09/14/93      **EFFECTIVE ONE YEAR TO DATE** 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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** 27

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?  
Conducting activities without appropriate approvals.
- 2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? None

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 0

PROVIDE AN EXPLANATION OF POINTS

No event occurred as a result of the violation.

- 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) 0

**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 reasonable care with respect to the R645 rules which address the need to address all activities within the permit area.

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**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 2/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>0</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>35</u>
	TOTAL ASSESSED FINE	<u>\$500</u>

jbe

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

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine NOV #N93-40-5-9

PERMIT # ACT/007/007

VIOLATION 3 OF 9

ASSESSMENT DATE 09/14/93

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 09/14/93

EFFECTIVE ONE YEAR TO DATE 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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 27**

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?  
Failing to maintain a site structure in accordance with the approved plan. More specifically, the quality control of the revegetation test plot.
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

Lack of maintenance of the fence has effected the quality control of the revegetation test plots.

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**  14

PROVIDE AN EXPLANATION OF POINTS

The violation resulted form a lack of reasonable care in that a careful permittee would maintain the mine site and would do so in accordance with the approved plan, thus preventing the occurrence of a violation.

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**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 3/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>14</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>61</u>
	TOTAL ASSESSED FINE	<u>\$1,480</u>

jbe

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

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine NOV #N93-40-5-9

PERMIT # ACT/007/007 VIOLATION 4 OF 9

ASSESSMENT DATE 09/14/93 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 09/14/93 EFFECTIVE ONE YEAR TO DATE 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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 27

**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 12

PROVIDE AN EXPLANATION OF POINTS

By failing to design appropriate sediment control measures, the inspector would not know if runoff from the areas specified was being passed and controlled as required by the R645 rules.

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

The violation was a result of lack of reasonable care resulting from the permittee's failure to have a site drainage plan that met all the requirements of the R645 rules. In addition, the April 19, 1993, oversight inspection resulted in a Ten-Day Notice for this same standard on a different area.

**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 4/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>12</u>
III.	TOTAL NEGLIGENCE POINTS	<u>14</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>53</u>
	TOTAL ASSESSED FINE	<u>\$1,120</u>

jbe

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

COMPANY/MINE Sunnyside Coal Company/Sunnyside Mine NOV #N93-40-5-9

PERMIT # ACT/007/007 VIOLATION 5 OF 9

ASSESSMENT DATE 09/14/93 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 09/14/93 EFFECTIVE ONE YEAR TO DATE 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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 27

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

By failing to classify each road in the permit application package, the inspector was unable to know which road were considered primary and which were ancillary. In addition, all unclassified roads had no maintenance plan or specifications in the plan to inspect against in the field.

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

Lack of reasonable care with respect to DOGM requirements regarding proper classification of all roads within the permit area.

**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 5/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>12</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>47</u>
	TOTAL ASSESSED FINE	<u>\$880</u>

jbe

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

**COMPANY/MINE** Sunnyside Coal Company/Sunnyside Mine      **NOV #** N93-40-5-9

**PERMIT #** ACT/007/007      **VIOLATION** 6 OF 9

**ASSESSMENT DATE** 09/14/93      **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** 09/14/93      **EFFECTIVE ONE YEAR TO DATE** 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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** 27

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?  
Environmental harm.
- 2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Likely

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

ASSIGN PROBABILITY OF OCCURRENCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

The inspector's statement reveals that by failing to dispose of sediment pond cleanout material in accordance with the approved plan, the permittee had disposed of this material in an improper manner. In turn, this may be causing damage to soil and vegetation on which the material was placed. Also, it is possible that there may not be proper drainage control on this area. Due to the fact that a variety of drainage maps and plans, as well as disturbed area maps and plans in the existing permit, it was not possible to be more definitive about the environmental harm associated with this violation.

- 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) 15

**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 violation was a result of lack of reasonable care with respect to compliance of the approved plan.

**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 6/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>15</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>50</u>
	TOTAL ASSESSED FINE	<u>\$1,000</u>

jbe

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

**COMPANY/MINE** Sunnyside Coal Company/Sunnyside Mine      **NOV #** N93-40-5-9

**PERMIT #** ACT/007/007      **VIOLATION** 7 **OF** 9

**ASSESSMENT DATE** 09/14/93      **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** 09/14/93      **EFFECTIVE ONE YEAR TO DATE** 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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** 27

**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?  
Loss of reclamation/revegetation potential.
- 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**

The inspector's statement reveals that by failing to segregate and separate topsoil prior to disturbance, the topsoil and vegetation that had sediment waste placed on it had been adversely affected.

- 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**  8

**PROVIDE AN EXPLANATION OF POINTS**

Lack of reasonable care with respect to compliance with the approved plan and the R645 rules.

**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 NOV.

V. ASSESSMENT SUMMARY FOR N93-40-5-9 7/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>55</u>
	TOTAL ASSESSED FINE	<u>\$1,200</u>

jbe

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

**COMPANY/MINE** Sunnyside Coal Company/Sunnyside Mine      **NOV #** N93-40-5-9

**PERMIT #** ACT/007/007      **VIOLATION** 8 **OF** 9

**ASSESSMENT DATE** 09/14/93      **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** 09/14/93      **EFFECTIVE ONE YEAR TO DATE** 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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**      27

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?  
Activity outside the approved permit area.
- 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

Presently, the Revegetation Test Plot Topsoil Pile and part of the Revegetation Test Plot are not within the permit area, yet are part of the approved permit. In addition, the outlet of the Pasture Pond is not being maintained past the permit area boundary.

- 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 Greater Degree of Fault

**ASSIGN NEGLIGENCE POINTS**  14

PROVIDE AN EXPLANATION OF POINTS

Lack of reasonable care with respect to proper identification and maintenance of affected areas within as well as outside the approved permit area.

**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 8/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>20</u>
III.	TOTAL NEGLIGENCE POINTS	<u>14</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>61</u>
	TOTAL ASSESSED FINE	<u>\$1,480</u>

jbe

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

**COMPANY/MINE** Sunnyside Coal Company/Sunnyside Mine      **NOV #** N93-40-5-9

**PERMIT #** ACT/007/007      **VIOLATION** 9 **OF** 9

**ASSESSMENT DATE** 09/14/93      **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** 09/14/93      **EFFECTIVE ONE YEAR TO DATE** 09/14/92

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
<u>N92-32-11-1</u>	<u>12/22/92</u>	<u>1</u>
<u>N92-32-12-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-40-11-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N92-40-12-2</u>	<u>04/18/93</u>	<u>2</u>
<u>N92-40-13-1</u>	<u>04/18/93</u>	<u>1</u>
<u>C92-32-1-1</u>	<u>04/16/93</u>	<u>5</u>
<u>N92-32-13-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-14-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-15-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-16-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-32-17-1</u>	<u>04/16/93</u>	<u>1</u>
<u>N92-26-5-1</u>	<u>04/18/93</u>	<u>1</u>
<u>N93-32-1-2</u>	<u>06/22/93</u>	<u>2</u>
<u>N93-32-2-5:</u>		
<u>parts 1, 3 &amp; 5</u>	<u>09/01/93</u>	<u>3</u>
<u>C93-32-1-1</u>	<u>07/26/93</u>	<u>5</u>

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** 27

**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**

The lack of information in the permit regarding operators, owners, and controllers, hindered the inspector in ascertaining the correct ownership and control information.

**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**

Lack of reasonable care with respect to DOGM regulations.

**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 NOV.**

V. ASSESSMENT SUMMARY FOR N93-40-5-9 9/9

I.	TOTAL HISTORY POINTS	<u>27</u>
II.	TOTAL SERIOUSNESS POINTS	<u>12</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>- 0</u>
	TOTAL ASSESSED POINTS	<u>47</u>
	TOTAL ASSESSED FINE	<u>\$880</u>

jbe



UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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

124

## 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 93-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_.

Parts 1, 2, 4, 5, 7, 8 & 9 of 9 are ~~being~~ modified as follows: The abatement dates are changed to

15 September 1993 for the next required action of each NOV.

Reason for modification is per operator request (see attached).

Part \_\_\_\_ of \_\_\_\_ is modified as follows: \_\_\_\_\_

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 4, 5, 10 & 11 August 1993

Joe Fielder  
Permittee/Operator representative

General Manager  
Title

Signature

Hugh Klein  
Division of Oil, Gas & Mining

Reclamation Specialist #40  
Title

Signature

# Sunnyside Coal Company

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

September 3, 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:

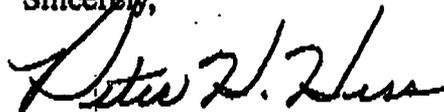
Re: NOV N93-40-5-9, Violation -1 of 9, Failure to  
Perform Contemporaneous Reclamation

Sunnyside Coal Company requests an extension of five days from September 10, 1993, to September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide additional time for coordination with Eckhoff, Watson and Preator for plan preparation.

Sunnyside Coal Company also requests that Parts 2 and 3 be similarly extended by five days; i.e., Part 2 to September 29 and Part 3 to October 5, 1993.

Your approval of this request will be appreciated.

Sincerely,



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

# Sunnyside Coal Company

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

September 3, 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:

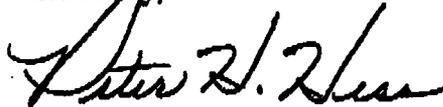
Re: NOV N93-40-5-9, Violation 2 of 9, Failure to Conduct Coal Mining  
and Reclamation Operations In Accordance with the Approved Plan/  
Failure to Locate Coal Fines in Accordance with the PAP

Sunnyside Coal Company requests an extension of 27 days from September 3, 1993, to September 30, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide additional time for preparation of the amendment.

Sunnyside Coal Company also requests that Parts 2 and 3 be similarly extended by 27 days; i.e., Part 2 to October 7 and Part 3 to October 21, 1993.

Your approval of this request will be appreciated.

Sincerely,



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: 801-888-2561

# Sunnyside Coal Company

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

September 3, 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:

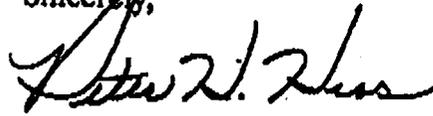
Re: NOV N93-40-5-9, Violation 4 of 9, Failure to Provide  
Adequate Sediment Control (Various Topsoil Piles)

Sunnyside Coal Company requests an extension of twelve days from September 3, 1993, until September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide additional time for preparation of the amendment.

Sunnyside Coal Company also requests that Parts 2 and 3 be similarly extended by twelve days; i.e., Part 2 until September 29 and Part 3 until October 13, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80302  
903-938-1506  
FAX: 803-938-6050

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

# Sunnyside Coal Company

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

September 3, 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:

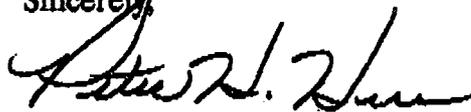
Re: NOV N93-40-5-9, Violation 5 of 9, Failure to  
Classify All Roads in the PAP

Sunnyside Coal Company requests an extension of twelve days from September 3, 1993, until September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide additional time for preparation of the amendment. The road cross sections have been surveyed but are presently being drawn up. SCC should be able to submit this amendment by September 15, 1993.

Sunnyside Coal Company also requests that Parts 2 and 3 be similarly extended by twelve days; i.e., Part 2 until September 29 and Part 3 until October 13, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80302  
303-938-1506  
FAX: 303-988-6050

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

# Sunnyside Coal Company

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

September 3, 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:

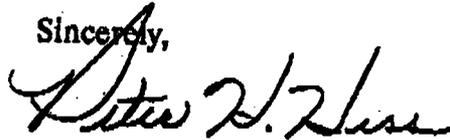
Re: NOV N93-40-5-9, Violation 7 of 9, Failure to Separate and Segregate Topsoil from an Area Prior to Disturbance

Sunnyside Coal Company requests an extension of twelve days from September 3, 1993, until September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide time for DOGM to review and approve. This amendment was submitted on September 7, 1993.

Sunnyside Coal Company also requests that Parts B and C be similarly extended; i.e., Part B until September 29 and Part C until October 13, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80302  
303-438-1508  
FAX: 303-438-5050

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

# Sunnyside Coal Company

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

September 3, 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:

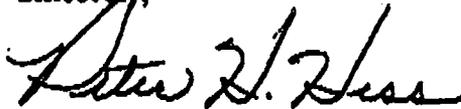
Re: NOV N93-40-5-9, Violation 8 of 9, Failure to Conduct Coal Mining and Reclamation Only on Lands Specifically Designated in the Permit

Sunnyside Coal Company requests an extension of twelve days from September 3, 1993, until September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide time for a re-inspection of the Pasture Pond Outlet Ditch area.

Sunnyside Coal Company also requests that Parts 2 and 3 be similarly extended by twelve days; i.e., Part 2 until September 29 and Part 3 until October 13, 1993.

Your approval of this request will be appreciated.

Sincerely,



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: 801-888-2661

# Sunnyside Coal Company

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

September 3, 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

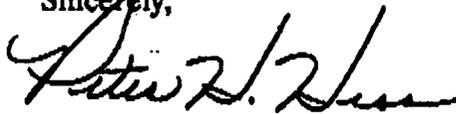
Dear Pam:

Re: NOV N93-40-5-9, Violation 9 of 9, Failure to Provide Complete  
and Accurate Ownership and Control Information

Sunnyside Coal Company requests an extension of five days from September 10, 1993, until September 15, 1993, in order to coincide with Sunnyside Co-Generation Associates' extension request and to provide additional time for preparation of this amendment. Final review prior to submittal to DOGM is presently pending.

Your approval of this request will be appreciated.

Sincerely,



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



~~XXXX~~

### VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Cogeneration Associates & Sunnyside Coal Company

Mailing Address P. O. BOX 99, SUNNYSIDE, UTAH 84539

State Permit No. ACT/007/035 & ACT/007/007

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

Notice of Violation No. N 93-40-5-9 dated 17 August, 1993.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_.

Part 6 of 9 is  vacated  terminated because the measures specified under the remedial action section have been completed as observed by the undersigned on 1 September 1993.

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is  vacated  terminated because \_\_\_\_\_

Date of service/mailing ~~XXXX~~ 9/2/93

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

**FRED FINLINSON**  
Permittee/Operator representative

**RESIDENT AGENT**  
Title

Signature

**Hugh Klein**  
Division of Oil, Gas & Mining

**Reclamation Specialist #40**  
Title

Signature

SUNNYSIDE COGENERATION ASSOCIATES

POST OFFICE BOX 58087  
SALT LAKE CITY, UTAH 84158-0087

August 27, 1993

RECEIVED

SEP 01 1993

Mr. Randy Harden  
Senior Reclamation Engineer  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
Salt lake City, Utah 84180-1203

DIVISION OF  
OIL, GAS & MINING

RE: Sunnyside Cogeneration Associates (SCA) Permit No. ACT/007/035  
Violation No. N93-40-5-9  
Violation No.6 of 9

Dear Randy,

This letter is in regards to Violation 6 of 9 for failing to dispose of sediment pond cleanout material from the Coarse Refuse Toe Sediment Pond. SCA has been working with Sunnyside Coal Company (SCC) to correct this problem. It is SCA's understanding that SCC has been granted an extension to August 27, 1993 to abate this violation.

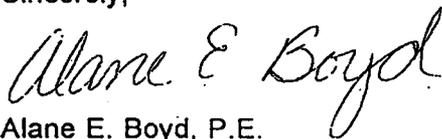
When we spoke last week DOGM conveyed that an additional letter from SCA requesting an extension for this violation was not necessary. However, to meet regulations a letter is required also from SCA. This letter is written to meet that requirement.

The reasons for the extension are two fold:

1. The violations were mailed on August 17, 1993. We did not receive them until the afternoon of the 18th. This left just two working days to complete the measures specified under "remedial action required."
2. Since this a dual permitted site and a dual violation SCA felt that it was appropriate to coordinate the abatement with SCC. The coordination time plus the time to perform the work was greater than two days.

SCA is formally requesting an extension to August 27, 1993 to satisfy the requirements of this violation.

Sincerely,



Alane E. Boyd, P.E.  
Senior Engineer

cc: Brian Burnett, CDN  
Hugh Klein, DOGM  
David Pearce, SCA



4541

## 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 93-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part 2 of 9 is modified as follows: The abatement times are changed as follows:

Part 1 - 3 September 1993; Part 2 - 10 September 1993; Part 3 - 24 September 1993

Reason for modification is based on the permittee's request (see attached).

Part 4 of 9 is modified as follows: The abatement times are changed as follows:

Part 1 - 3 September 1999; Part 2 - 17 September 1993; Part 3 - 1 October 1993

Reason for modification is based on the permittee's request (see attached).

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service (mailing) 27 August 1993

Time of service (mailing) 3:00  a.m.  p.m.

Date of Inspection 4, 5, 10 & 11 August 1993

Joe Fielder

Permittee/Operator representative

Mine Manager

Title

Signature

Hugh Klein

Division of Oil, Gas & Mining

Reclamation Specialist #40

Title

Signature

# Sunnyside Coal Company

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

August 25, 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: NOV N93-40-5-9, Violation 2 of 9, Failure to Conduct Coal Mining/  
Reclamation Operations In Accordance with the Approved Plan;  
Failure to Locate Coal Fines in Accordance with the PAP

Sunnyside Coal Company requests an extension of two weeks from August 27, 1993, until September 10, 1993, to complete submittal of the maps, plans, and drawings specified in Part 1 of the required remedial actions. Sunnyside Coal Company feels the justification for this request is the inadequate time period allowed for in the Remedial Action Required portion of the NOV.

Approval of the above request will consequently extend the abatement deadlines of Part 2 from September 3, 1993, to September 17, 1993, and Part 3 from September 17, 1993, to October 1, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

cc: Hugh Klein, DOGM

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80502  
303-838-1508  
FAX: 303-838-5050

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

# Sunnyside Coal Company

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

August 25, 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:

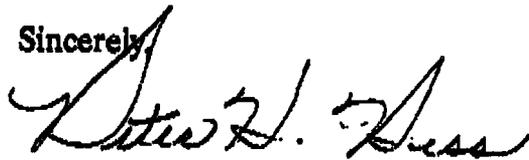
Re: NOV N93-40-5-9, Violation 4 of 9, Failure to Design Appropriate  
Sediment-Control Measures (Various Topsoil Piles)

Sunnyside Coal Company requests an extension of two weeks from August 27, 1993, until September 10, 1993, to complete the requirements necessary to abate Part 1 of Remedial Actions required by the NOV. Sunnyside Coal Company feels the justification for this request is the inadequate time period allowed for in the Remedial Action Required portion of the NOV.

Approval of the above request will consequently extend the abatement deadlines of Part 2 from September 10, 1993, to September 24, 1993, and Part 3 from September 24, 1993, to October 8, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

cc: Hugh Klein, DOGM

Corporate Offices  
The Registry  
1118 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: 801-888-2681



1124

## 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 93-40-5-9 dated 17 August, 19 93

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 5 of 9 is modified as follows: The abatement times are changed as follows:

Part 1 - 3 September 1993; Part 2 - 17 September 1993; Part 3 - 1 October 1993

Reason for modification is based on the permittee's request (see attached).

Part 8 of 9 is modified as follows: The abatement times are changed as follows:

Part 1 - 3 September 1993; Part 2 - 17 September 1993; Part 3 - 1 October 1993

Reason for modification is based on the permittee's request (see attached).

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service (mailing) 27 August 1993 Time of service (mailing) 3:00  a.m.  p.m.

Date of inspection 4, 5, 10 & 11 August 1993

Joe Fielder  
Permittee/Operator representative

Mine Manager  
Title

Signature

Hugh Klein  
Division of Oil, Gas & Mining

Reclamation Specialist #40  
Title

Signature

# Sunnyside Coal Company

Operations • Highway 128 • P.O. Box 99 • Sunnyside, Utah 84539

August 25, 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: NOV N93-40-5-9, Violation 5 of 9, Failure to  
Classify Each Road in the PAP

Sunnyside Coal Company requests an extension of two weeks from August 27, 1993, to September 10, 1993, to address the abatement requirements of Part 1, Remedial Action required of the above NOV. Sunnyside Coal Company feels that this extension request is necessary due to an insufficient time allowed for the submittal of the NOV abatement requirements.

Approval of the above request will extend the abatement deadlines of Part 2 from September 10, 1993, to September 24, 1993, and Part 3 from September 24, 1993, to October 8, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

cc: Hugh Klein, DOGM

Corporate Offices  
The Registry  
113 Spruce Street  
Boulder, CO 80302  
803-938-1506  
FAX: 803-938-5050

Operations  
Highway 128  
P.O. Box 99  
Sunnyside, UT 84539  
801-888-4421  
FAX: 801-888-2681

# Sunnyside Coal Company

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

August 25, 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:

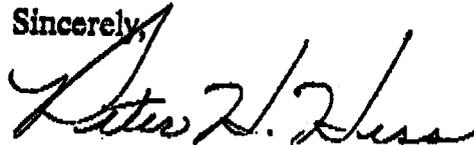
Re: NOV N93-40-5-9, Violation 8 of 9, Failure to Conduct Coal Mining and Reclamation Only on Lands Specifically Designated in the Permit

Sunnyside Coal Company requests an extension of two weeks from August 27, 1993, until September 10, 1993, to submit plans, designs, and maps so as to comply with Part 1 of Remedial Actions Required. Sunnyside Coal Company's justification for this request is that it feels insufficient time was allowed in the NOV for the proper preparation of these documents.

Approval of the above request will consequently extend the abatement deadlines of Part 2 from September 10, 1993, to September 24, 1993, and Part 3 from September 24, 1993, to October 8, 1993.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

cc: Hugh Klein, DOGM

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80302  
303-938-1806  
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

*Handwritten initials*

## MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee ~~or Operator~~ (ONLY)

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 93-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_.

Part 8 of 9 is modified as follows: The portion of operation to which notice applies is to apply ONLY to the outlet of the Pasture Pond.

Reason for modification is the other two areas specified in the NOV are in Sunnyside Coal's permit area, and as such the violation does not apply to those areas.

Part \_\_\_\_ of \_\_\_\_ is modified as follows: \_\_\_\_\_

Reason for modification is \_\_\_\_\_

Part \_\_\_\_ of \_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service (mailing) 8/27/93

Time of service (mailing) 10:00  a.m.  p.m.

Date of inspection August 4-5; 10-11, 1993

**Joe Fielder**

Permittee/Operator representative

Signature

**Hugh Klein**

Division of Oil, Gas & Mining

Signature

**General Manager**

Title

**Reclamation Specialist #40**

Title



1/24

### 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 93-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part 9 of 9 is modified as follows: Abatement date is extended to September 30, 1993

Reason for modification is based on the permittee's request (see attached).

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Reason for modification is \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service mailing 27 August 1993 Time of service mailing 3:00  a.m.  p.m.

Date of inspection 4, 5, 10 & 11 August 1993

Joe Fielder  
Permittee/Operator representative

Mine Manager  
Title

Signature

Hugh Klein  
Division of Oil, Gas & Mining

Reclamation Specialist #40  
Title

[Signature]  
Signature

# Sunnyside Coal Company

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

August 27, 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

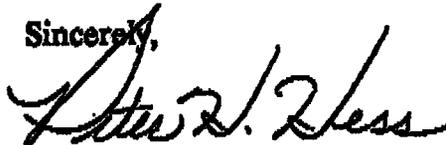
Dear Pam:

Re: NOV N93-40-5-9, Violation 9 of 9, Failure to Provide  
Complete and Accurate Ownership/Control Information

Sunnyside Coal Company requests an extension of two weeks from August 27, 1993, until September 10, 1993, to abate the violation. As of this date, Sunnyside Co-Generation Associates has not provided this information to Sunnyside Coal Company.

Your approval of this request will be appreciated.

Sincerely,



Peter H. Hess  
Environmental Coordinator

PHH:th

Corporate Offices  
The Registry  
1119 Spruce Street  
Boulder, CO 80302  
303-638-2506  
FAX: 303-638-5050

Operations  
Highway 123  
P.O. Box 99  
Sunnyside, UT 84539  
801-888-4421  
FAX: 801-888-2591



UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

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

*DL*

## MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Cogeneration Associates & Sunnyside Coal Company

Mailing Address \_\_\_\_\_

State Permit No. ACT/007/035 & ACT/007/007

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

Notice of Violation No. N 90-40-5-9 dated 17 August, 19 93.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_.

Part 6 of 9 is modified as follows: The abatement date is changed to 27 August 1993.

Reason for modification is to allow more time as per the permittee's request (see attached).

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Reason for modification is \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailing 8/24/93 Time of service/mailing 3:00  a.m.  p.m.

Date of inspection 4, 5, 10 & 11 August 1993

**Fred Finlinson as Registered Agent for Sunnyside Cogeneration Associates**

**Joe Fielder as Mine Manager for Sunnyside Coal Company**

Permittee/Operator representative

Title

Signature

Hugh Klein

Division of Oil, Gas & Mining

Reclamation Specialist #40

Title

Signature

WHITE-DOGMI  
DOGMI/MVC-1

YELLOW-OSM

PINK-PERMITTEE/OPERATOR

GOLDENROD-NOV FILE

an equal opportunity employer

Rev. 12/86 001059

# Sunnyside Coal Company

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

August 20, 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: N93-40-5-9, Violation 6 of 9, Failure to Dispose of Sediment Pond  
Cleanout Material in Accordance with the Approved Plan

As per my conversation with Hugh Klein this morning, I am resubmitting a request for an extension of the above NOV for a period of one week from August 20, 1993, to August 27, 1993.

We received notice of the NOV the afternoon of the 17th and have not been able to immediately remove the sediment material. Our plans are to do this at the beginning of next week. If our analysis shows acceptable soil substitute, we would like to use this on the CRP reclamation.

Your approval of this request will be appreciated.

Sincerely,



Charles D. Rempes  
Environmental Technician

CDR:th

Corporate Offices  
The Registry  
1113 Spruce Street  
Boulder, CO 80302  
303-838-1506  
FAX: 303-838-5050

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



notice of violation

NO. N 93-40-5-19

To the following Permittee ~~Operator~~ <sup>Operator</sup>  
 Name Sunnyside Cogeneration Associates  
 Mine Sunnyside Refuse & Slurry  Surface  Underground  Other  
 County Carbon State Utah Telephone (801) 888-4476  
 Mailing Address P.O. Box 58087, Salt Lake City, Utah 84158-0087  
 State Permit No. ACT/007/035  
 Ownership Category  State  Federal  Fee  Mixed  
 Date of Inspection August 4, 5, 10 & 11, 19 93  
 Time of Inspection \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_  a.m.  p.m.  
 Operator ~~XXXXXX~~ (other than Permittee) Sunnyside Coal Company, ACT/007/007  
 Mailing Address P.O. Box 99, Sunnyside, Utah 84539

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.

*Certified mail 7540713973 to SCA (Finlinson)  
 Certified mail 7540713974 to SCL (Fielder)*

Date of service (mailing) 17 Aug 1993  
Fred Finlinson  
Joe Fielder  
 Permittee/Operator representative

Time of service (mailing) 3:00  a.m.  p.m.  
Resident Agent  
General Manager  
 Title

Signature \_\_\_\_\_  
Hugh Klein  
 Division of Oil, Gas & Mining representative  
 Signature *[Signature]*

Reclamation Specialist  
 Title  
#40  
 Identification Number

SEE REVERSE SIDE  
 WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE



pk  
gh

NOTICE OF VIOLATION NO. N 93-40-5-89

Violation No. 1 of 89

Nature of violation

For failure to perform contemporaneous reclamation.

Provisions of act, regulations or permit violated

R645-301-352

Portion of operation to which notice applies

The unreclaimed portion of the 3<sup>RD</sup> lift of the <sup>course</sup> refuse pile and the entire outslope of the 5<sup>TH</sup> lift of the course refuse pile.

Remedial action required (Including any Interim steps)

- Part 1) For the area specified above, submit maps, plans and designs to the Division that will comply with R645-301-352 and all other applicable aspects of R645-300-141, 142 & 143.
- Part 2) Obtain Division approval for maps, plans and designs specified above.
- Part 3) Include the approved maps, plans and designs in the PAP and implement any and all applicable aspects of maps, plans and designs.

Abatement time (Including Interim steps)

- Part 1) → 10 September 1993 by 5PM
- Part 2) → 24 September 1993 by 5PM
- Part 3) → Update the PAP no later than 30 September 1993 by 5PM and implement all applicable aspects of maps, plans and designs in accordance with reclamation procedures in the approved PAP.



*gh*

### NOTICE OF VIOLATION NO. N 93-40-5-#9

Violation No. 2 of 3

Nature of violation

*For failure to conduct <sup>coal</sup> mining and reclamation operations in accordance with the approved plan. For failing to locate coal fines in accordance with the PAP*

Provisions of act, regulations or permit violated

*R645-300-142*

Portion of operation to which notice applies

*The area adjacent to the south side of the #2 Slurry Pond, where the piles of coal fines are located.*

Remedial action required (Including any interim steps)

- Part 1) ~~Submit~~ For the area specified above, submit maps, plans & designs to the Division so as to comply with R645-300-142 and all other applicable aspects of the State Program.*
- Part 2) Obtain Division approval for the maps, plans and designs specified above.*
- Part 3) Include the approved maps, plans and designs in the PAP and implement any and all applicable aspects of the approved maps, plans and designs.*

*Part 1) → 27 August 1993 at 5 PM*

*Part 2) → 3 September 1993 at 5 PM*

*Part 3) → 17 September 1993 at 5 PM*



~~1311~~

gd

NOTICE OF VIOLATION NO. N 93-40-5-9

Violation No. 3 of 9

Nature of violation

For failure to maintain the fence around the re-  
vegetation test plot.

Provisions of act, regulations or permit violated

RC45-300-142

Portion of operation to which notice applies

The fence around the re-vegetation test plot.

Remedial action required (Including any interim steps)

Repair the fence specified above to the specifications  
shown on drawing DS-0113 of the SCL PAP  
and accepted by the Division on 28 Jan 1986.

Abatement time (Including interim steps)

10 September 1993 by 5PM



# NOTICE OF VIOLATION NO. N 93-40-5-89

Violation No. 4 of 89

Nature of violation

For failing to design appropriate sediment control measures that conform meet the requirements of the State Program.

Provisions of act, regulations or permit violated

R 645-301-742.110

R 645-301-742.111

R 645-301-742.112

R 645-301-742.113

Portion of operation to which notice applies

Rail Cut Tapsail Pile

Access Tapsail Pile

Test Plot Tapsail Pile

Access Road Tapsail Pile

Remedial action required (Including any Interim steps)

- Part 1) Design sediment control measures, for those areas specified above, so as to comply with R 645-301-742 and submit the design and/or plan to the Division.
- Part 2) Obtain Division approval for the above specified designs and/or plans.
- Part 3) Include the approved plans and/or designs in the PAP and perform any additional on-site work that may be required by the approved plans and/or designs.

Part 1) → 27 August 1993 by 5 PM.

Part 2) → 10 September 1993 by 5 PM

Part 3) → 24 September 1993 by 5 PM



*John FTZ*

NOTICE OF VIOLATION NO. N 93-40-5-89

Violation No. 5 of 89

Nature of violation  
For failing to have classify each road in the PAP.

Provisions of act, regulations or permit violated  
R645-301-527.100

Portion of operation to which notice applies  
All roads in the permit area that are not classified.

Remedial action required (Including any Interim steps) *with Division*

- Part 1)* For those areas noted above, submit maps, plans & designs that comply with all the requirements of R645-301-527.
- Part 2)* Obtain Division approval for the maps, plans and designs specified above.
- Part 3)* Include the approved maps, plans and designs in the PAP and perform any additional on-site work that may be required by the approved maps, plans & designs.

Abatement time (Including Interim steps)

- Part 1) → 27 August 1993 by SPM
- Part 2) → 10 September 1993 by SPM
- Part 3) → 24 September 1993 by SPM

NOTICE OF VIOLATION NO. N 93-40-5-89

~~XXXXXXXXXX~~

Violation No. 6 of 89

Nature of violation

For failing to dispose of sediment pond cleanout material in accordance with the approved plan.

Provisions of act, regulations or permit violated

RC45-300-142

Portion of operation to which notice applies

The sediment pond cleanout material from the Coarse Refuse Toe Sediment Pond located adjacent to the Coarse Refuse Toe Sediment Pond.

Remedial action required (Including any interim steps)

Dispose of the sediment pond cleanout material specified above in accordance with the approved plan.

Abatement time (Including interim steps)

Complete the measures specified under remedial action no later than 20 August 1993 at 5PM.



NOTICE OF VIOLATION NO. N 93-40-5-89

~~XXXXXX~~

Violation No. 67 of 89

Nature of violation

For failing to separate and segregate topsoil from an area prior to disturbance.

Provisions of act, regulations or permit violated

RG45-301-232.100

Portion of operation to which notice applies

The sediment pond cleanout material located adjacent to the Course Refuse Tar Sediment Pond.

Remedial action required (Including any interim steps)

- A) After removing the sediment pond cleanout material as specified in Part #1 of this NOV, submit plans, designs and maps to the Division so as to comply with RG45-301-232.100 and all applicable aspects of RG45-300-142 and RG45-300-143.
- B) Obtain Division approval for plans, designs and maps specified above.
- C) Include the approved plans, maps and designs in the PAP and perform any additional on-site work that may be required by the approved plans, designs and maps.

- A) -> 3 September 1993 by SPM
- B) -> 17 September 1993 by SPM
- C) -> 1 October 1993 by SPM.



# NOTICE OF VIOLATION NO. N 93-40-5-89

Violation No. ~~8~~ of ~~8~~ 9

Nature of violation

For failing to conduct coal mining and reclamation only on lands specifically designated in the permit.

Provisions of act, regulations or permit violated

R645-300-141

Portion of operation to which notice applies

The outlet diversion of the Pasture Pond.  
The revegetation test plot.  
The revegetation test plot topsoil pile.

Remedial action required (Including any interim steps)

- Part 1) Submit plans, designs and maps to the Division, ~~that~~ for those areas specified above, so as to comply with R645-300-141 and all applicable aspects of R645-300-142 & R645-300-143.
- Part 2) Obtain Division approval for the above specified plans, designs & maps.
- Part 3) Include the approved plans, designs & maps in the PAP and perform any additional on-site work that may be ~~required~~ required by the approved plans, designs and maps.

Part 1) → 27 August 1993 by 5 PM

Part 2) → 10 September 1993 by 5 PM

Part 3) → 24 September 1993 by 5 PM



Jch JRY

NOTICE OF VIOLATION NO. N 93-40-5-89

Violation No. 89 of 89

Nature of violation

For failure to provide complete and accurate ownership and control information as required by R645-301-100 et seq.

Provisions of act, regulations or permit violated

R645-301-100 et seq.

Portion of operation to which notice applies

The PAP

Remedial action required (Including any interim steps)

Comply with R645-301-100 et seq.

Abatement time (Including interim steps)

27 August 1993 by SPM

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit # ACT/007/035 & ACT/007/007

NOV # 93-40-5-9  
Violation # 1 of 9

**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.
  - X** h. Reduced establishment, diverse and effective vegetative cover.
  - i. No event occurred as a result of the violation.
  - j. Other.

2. Has the event occurred? Yes X No

X Yes: Describe it.

By not performing contemporaneous reclamation as soon as practicable, the permittee has reduced the establishment of diverse and effective vegetative cover on the entire outslope of the fifth lift and part of the third lift of the coarse refuse pile.

    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.

**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 violation is the result of a lack of reasonable care. Contemporaneous reclamation of the coarse refuse pile has been and is an ongoing concern, which has been communicated to the permittee. Despite this, the permittee has not taken the proper measures in order to accomplish contemporaneous reclamation as required by the R645 rules.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and performing contemporaneous reclamation as soon as practicable is required by R645-301-352.

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

Explanation

Contemporaneous reclamation of the coarse refuse pile has been cited in at least one State violation and at least one Federal TDN, in addition to other formal and informal communications.

(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 #92-20-2-1 / <sup>ISSUES</sup> 6/18/93

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.

The operator may have had all resources necessary with the exception of certain seed mixes, but this is an assumption on the part of the undersigned.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes X No     If yes, explain.

The NOV requires the operator to submit maps, plans and designs that will comply with R645-301-352 and all applicable aspects of R645-300-141, 142 and 143.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit #ACT/007/035 & ACT/007/007

NOV #93-40-5-9  
Violation # 2 of 9

**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.
  - X** 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.

2. Has the event occurred? Yes X No

X Yes: Describe it.

Locating coal fines adjacent to the south side of the #2 Slurry Pond is not currently an approved part of the permit. This area is not designated for any type of storage or disposal.

    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.

If damage occurred in this case, it is difficult to assess because the plan does not currently contain maps that accurately delineate the disturbed area or drainage patterns in the area. So, there may have been damage, but it is difficult to assess because of the deficient nature of the plan.

**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 violation is the result of a lack of reasonable care. The permittee knows that all activities occurring on the permit area must be permitted. This violation reflects a lack of care in terms of ensuring that activities on the ground are addressed in the plan.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and operating in a manner consistent with the plan is required by R645-300-142.

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

Explanation

It is unclear to the undersigned as to whether or not the permittee received prior warning about the storage of coal fines in this area, however the permittee is well aware of the need to permit all onsite activities.

- (i) 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

Not to the knowledge of the undersigned, but that does not constitute an absolute no.

**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.

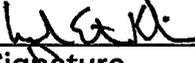
2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

The operator has all the resources necessary onsite to accomplish compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes X No     If yes, explain.

The NOV requires the operator to submit maps, plans and designs that will comply with R645-300-142 and all applicable aspects of the State Program.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit # ACT/007/035 & ACT/007/007

NOV # 93-40-5-9  
Violation # 3 of 9

**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.
  - X** j. Other. (Failing to maintain a site structure as per the plan.)

2. Has the event occurred? Yes X No

  X   Yes: Describe it.

The fence surrounding the revegetation test plot has not been maintained as per the specifications shown on the as-built.

    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.

**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 violation is the result of a lack of reasonable care in that a careful permittee maintains the mine site and does so in accordance with the approved plan. Had the permittee been doing so, this violation would never have occurred.

- ( ) 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

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

Explanation

No compliance problems were anticipated for this part of the site because the permittee communicated to the undersigned that the fence would be fixed. This is documented in the March complete inspection report. As such, no enforcement action was anticipated until the fence was observed not to have been repaired. In addition, the undersigned was made aware during the August complete inspection that the permittee now had no intention of fixing the fence.

- (i) 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

**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.

The operator may not have the necessary resources onsite to achieve compliance, however, they are easily obtained.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes\_\_\_ No X If yes, explain..

Hugh Klein #40  
Authorized Representative

Hugh Klein  
Signature

20 August 1993  
Date

HINDRANCE TO ENFORCEMENT VIOLATIONS  
INSPECTOR STATEMENT

Company /Mine Sunnyside Cogen & Sunnyside Coal  
Permit #ACT/007/035 & ACT/007/007

NOV #93-40-5-9  
Violation # 4 of 9

- 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.

By failing to design appropriate sediment control measures, it is impossible to know if runoff from the areas specified is being passed and controlled as required by the R645 rules.

- 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 violation is the result of a lack of reasonable because the permittee has failed to have a site drainage plan that meets all the requirements of the R645 rules. In addition, the permittee has received repeated directions from Division staff to consider this aspect of the site drainage plan.

- ( ) 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

As required by all permits, disturbed area drainage must be passed through some form of sediment control.

- () 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

The April oversight at SCC resulted in a TDN for the same standard on different areas.

**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.

The permittee has the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV? Yes X No     If Yes, explain.

Designs and/or plans that comply with R645-301-742 are required prior to any physical activity.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

HINDRANCE TO ENFORCEMENT VIOLATIONS  
INSPECTOR STATEMENT

Company /Mine Sunnyside Cogen & Sunnyside Coal  
Permit #ACT/007/035 & ACT/007/007

NOV #93-40-5-9  
Violation # 5 of 9

- 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.

By failing to classify each road in the PAP, it was impossible to know which roads were considered primary and which were ancillary. In addition, all unclassified roads had no maintenance plan or specifications in the plan to inspect against in the field.

- 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 violation is the result of a lack of reasonable care because the permittee has failed to have roads classified as per the requirements of the R645 rules. A careful permittee knows of this requirement and all other applicable aspects of classifying roads.

- ( ) 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

A condition of all permits is that coal mining and reclamation activities must be conducted in accordance with the R645 rules. This includes classifying all roads.

- ( ) 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.

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

The permittee has the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV? Yes X No \_\_\_ If Yes, explain.

The permittee is required to submit maps, plans and designs that comply with R645-301-527.100 as well as all other applicable aspects of R645-301-527

Hugh Klein #40  
Authorized Representative

*Hugh Klein*  
Signature

20 August 1993  
Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit # ACT/007/035 & ACT/007/007

NOV # 93-40-5-9  
Violation # 6 of 9

**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.
- X** 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.

2. Has the event occurred? Yes X No    

  X   Yes: Describe it.

By failing to dispose of sediment pond cleanout material in accordance with the approved plan, the permittee has disposed of waste in an improper manner. In turn, this may be causing damage to soil and vegetation on which the material was placed. Also, it is possible that there may not be proper drainage control on this area. Due to the fact that a variety of drainage maps and plans, as well as disturbed area maps and plans, it is not possible to be more definitive about the environmental harm associated with this violation.

    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

  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.

As mentioned in the previous section, the state of certain maps and what they delineate makes it impossible to assess the extent of damage. Given this, the answer to did damage occur is unclear.

**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 violation is the result of a lack of reasonable care in that a careful permittee maintains the mine site and does so in accordance with the approved plan. Had the permittee been doing so, this violation would never have occurred.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and disposing of sediment pond waste in accordance with the approved plan, as well as all other applicable State and Federal laws is required by these Rules.

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

Explanation

- (i) 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

**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.

The permittee has the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes\_\_\_ No X If yes, explain.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit # ACT/007/035 & ACT/007/007

NOV # 93-40-5-9  
Violation # 7 of 9

**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.

2. Has the event occurred? Yes  No

Yes: Describe it.

By failing to segregate and separate topsoil prior to disturbance, the topsoil and vegetation that has sediment pond waste placed on it has been adversely affected.

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

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.

Due to the fact that a variety of drainage maps and plans, as well as disturbed area maps and plans are not contained in the plan, it is not possible to be more

definitive about the damage associated with this violation. Given this, the answer to did damage occur is unclear.

**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 violation is the result of a lack of reasonable care in that a careful permittee takes the proper steps prior to disturbing an area, which includes doing so in accordance with the approved plan and the R645 Rules. Had the permittee been doing so, this violation would never have occurred.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and stripping topsoil prior to disturbing an area is required by R645-301-232.100.

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

Explanation

- (i) 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

**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.

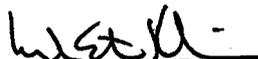
2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

The permittee has the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes X No    If yes, explain.

The permittee is required to submit maps, plans and designs that comply with R645-301-232.100 and all other applicable aspects of R645-300-142 and R645-300-143.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Sunnyside Cogen & Sunnyside Coal  
Permit # ACT/007/035 & ACT/007/007

NOV # 93-40-5-9  
Violation # 8 of 9

**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.

- X**
- 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.

2. Has the event occurred? Yes X No    

X Yes: Describe it.

Presently, the Revegetation Test Plot Topsoil Pile and part of the Revegetation Test Plot are not within the permit area, yet are part of the PAP. In addition, the outlet of the Pasture Pond is being maintained past the permit area boundary.

    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 (None discernible)

    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.

**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 violation is the result of a lack of reasonable care in that a careful permittee has all permitted areas inside the permit boundary and maintains the mine site only within the permitted area. Had the permittee been doing so, this violation would never have occurred.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and conducting mining and reclamation activities only on permitted lands is a requirement of R645-300-141.

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

Explanation

During the March complete inspection the permittee was directed to include the Revegetation Test Plot in the permit area. The permittee communicated to the undersigned that this would be done, but at the time of this inspection, the undersigned was told that the permittee had no intention of doing so.

- (i) 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

**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.

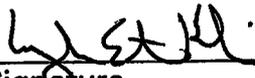
2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

The permittee has the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV/CO? Yes X No     If yes, explain.

The permittee is required to submit maps, plans and designs that comply with R645-300-141 and all other applicable aspects of R645-300-142 and R645-300-143.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date

HINDRANCE TO ENFORCEMENT VIOLATIONS  
INSPECTOR STATEMENT

Company /Mine Sunnyside Cogen & Sunnyside Coal  
Permit #ACT/007/035 & ACT/007/007

NOV #93-40-5-9  
Violation # 9 of 9

- 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.

By not containing all the proper information on owners and controllers, the permit does not show all the responsible parties associated with this permit.

- 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 violation resulted from not knowing about DOGM regulations, which is a form of a lack of reasonable care.

- ( ) 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

Compliance with the R645 rules is a condition of the permit, and providing complete and accurate ownership and control information is required by R645-301-100 et seq.

- ( ) 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.

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

The permittee has all the necessary resources onsite to achieve compliance.

3. Was the submission of plans prior to physical activity required by this NOV? Yes \_\_\_ No X If Yes, explain.

Hugh Klein #40  
Authorized Representative

  
Signature

20 August 1993  
Date