

0031

Mine file #3  
5

# Sunnyside Coal Company

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

October 18, 1993

RECEIVED

OCT 21 1993

DIVISION OF  
OIL, GAS & MINING

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

Dear Lowell:

Re: Aerial Photography and Mapping Process and  
Extension Request for Abatement Dates of  
NOV N93-32-2-5 (2 of 5) and  
NOV N93-32-3-8 (2 of 8 and 8 of 8)

Pursuant to the provisions in R645-400-327.100, Sunnyside Coal Company respectfully requests an extension of the abatement date of the above NOV's from October 22, 1993, to November 22, 1993. Sunnyside Coal Company has been diligent in its work to abate the NOV's. The last extension was granted to October 22, 1993, with the notation, "This is the final extension." This was based upon 180 days from the first NOV date. The following circumstances, which were beyond our control, have led to this request.

The dates of the NOV's are April 22 and April 28, 1993. The NOV's were modified to require the aerial photography and mapping on May 12, 1993. The purchase order for the work was issued to KLH-ITS on June 17, after receiving estimated completion dates from the last bidders on June 16, 1993.

The Division was updated on the progress of the photography and mapping, including the delay due to the problem of reconciling vertical-control discrepancies.

We received the preliminary data from KLH-ITS on September 27, 1993, which was several weeks late because of the vertical-control problems. In converting the EXE files to DRG files, problems have arisen with the computers or the data media. To successfully convert the files, the DRG files have to be limited in size. This requires considerably more time for completion besides the initial delay in trying to determine the problem and resolving it.

**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

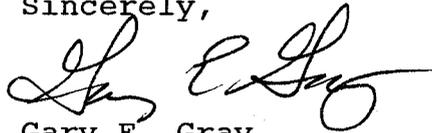
Mr. Lowell Braxton  
Page 2  
October 18, 1993

In addition to the contractor's work, the field work on identifying and measuring the culverts and ditches was required. This work was completed prior to receiving any information and data on aerial mapping so as not to cause any delay.

Taking into account the modification date of May 12, 1993, in which the aerial photography was required and the above circumstances, SCC feels that an extension of the abatement date is reasonable. This extension will allow SCC to overcome the technical problems and enable us to present suitable drawings, plans, and designs to the Division for the abatement of the NOV's.

We respectfully request your approval of this extension.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary E. Gray", written in a cursive style.

Gary E. Gray  
Chief Engineer

GEG:th

P.O. BOX 99  
HIGHWAY 123- WHITMORE CANYON  
SUNNYSIDE, UT 84539

(801)-888-4421  
FAX (801)-888-2581

Ad007/007



CC  
Jim Carter  
Joe Helbrich  
Pam G-L  
M me bib

DATE: 10/19/93

FROM: Gary Gray

TO: Lowell Brunton FAX: \_\_\_\_\_

COMPANY: DOG TELEPHONE: \_\_\_\_\_

DESCRIPTION OF DOCUMENTS: Extension Request

REMARKS: Pam asked me to send  
this letter to you last  
Friday.  
[Signature]

**RECEIVED**

OCT 19 1993

DIVISION OF  
OIL, GAS & MINING

NUMBER OF PAGES WITH COVER SHEET: 3

\*\*\*\* IF THERE IS A PROBLEM WITH TRANSMISSION, PLEASE CALL (801)-888-4421

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*We should review against 645-400-327-1. It's clear the permittee is "not in control" yet granting of continuous extensions to permittee's compliance action at all has*

*If the operator agreed to October 22, I'm reluctant to continue to delay then process cut.*

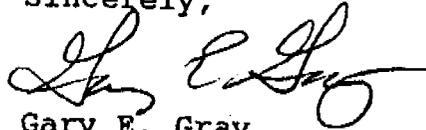
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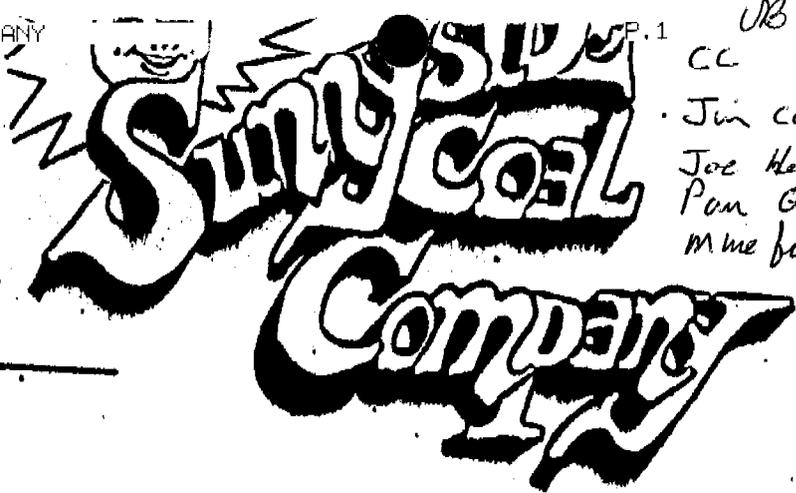


Gary E. Gray  
Chief Engineer

GEG:th

P.O. BOX 99  
HIGHWAY 123- WHITMORE CANYON  
SUNNYSIDE, UT 84539

(801)-888-4421  
FAX (801)-888-2581



CC  
Jim Carter  
Joe Halbrich  
Pam G-L  
Mme fib

DATE: 10/19/93

FROM: Gary Gray

TO: Lowell Braxton FAX: \_\_\_\_\_

COMPANY: DDGM TELEPHONE: \_\_\_\_\_

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FAX: 801-888-2581

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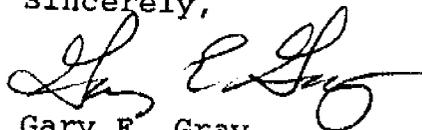
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Sincerely,



Gary E. Gray  
Chief Engineer

GEG:th



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Suite 1200  
505 Marquette Avenue N.W.  
Albuquerque, New Mexico 87102



October 13, 1993

**RECEIVED**

OCT 18 1993

DIVISION OF  
OIL, GAS & MINING

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

Dear Mr. Carter:

Subject: Division of Oil, Gas, and Mining (DOGM) Response to Ten-Day Notices, (TDN) X93-020-370-003 TV 1 to Sunnyside Cogeneration Associates, ACT/007/035, and X93-020-370-004 TV 1 to Sunnyside Coal Company, ACT/007/007 *orig in ACT/007/035*

The Albuquerque Field Office (AFO) received a facsimile of the above referenced TDN response on September 30, 1993, and the original on October 4, 1993. DOGM received the TDN on September 20, 1993.

AFO understands the DOGM's response to state that an enforcement action has been issued citing a failure to place in a controlled manner and/or treat acid-forming material. The remedial action for the enforcement action is to remove the material from the road and place it in an approved disposal facility. AFO has determined this response to be appropriate.

However, AFO questions the appropriateness of issuing one enforcement action for both permitted operations. The two operations are permitted by separate entities, and, as such, should have each received a separate violation. AFO questions how DOGM can administratively manage this method of issuing an enforcement action with regard to penalty assessments, history point assignment, enforcement action and assessment appeals, etc. The following are some of the questions AFO believes exist: Will both companies be assessed under the penalty system? If applied to both operators separately, how will the operator's rights of appeal be handled, etc. Please respond to AFO, for the record, how this action will be managed by DOGM with regard to the above. AFO would appreciate a response by November 1, 1993.

Mr. James W. Carter

2

If you have any questions, please call Steve Rathbun at 505-766-1486.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Hagen', with a long horizontal flourish extending to the right and a large loop underneath.

Robert H. Hagen, Director  
Albuquerque Field Office

ca: Jewel P-3  
 10-18-93  
 orig mine file  
 007/007

**U.S. DEPARTMENT OF THE INTERIOR**  
 Office of Surface Mining Reclamation and Enforcement  
**MODIFICATION OF NOTICE OF VIOLATION OR CESSATION ORDER**

1. Name <i>Sunnyside Coal Co.</i>		<input checked="" type="checkbox"/> Permittee <input type="checkbox"/> No Permit	Originating Office Address O.S.M. 505 Marquette NW Suite 1200 Alb., NM 87120	
2. Mailing Address <i>Highway 123, P.O. Box 99, Sunnyside VT 84539</i>				
3. Name of Mine <i>Sunnyside Mine</i>		<input type="checkbox"/> Surface <input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Other (Specify) <i>7</i>	
4. Telephone Number <i>801-888-4421</i>	5. County <i>Carson</i>	State <i>VT</i>		Telephone Number <i>505-766-1486</i>
6. Operator's Name		8. Date of Inspection <i>Administrative</i>		
7. Mailing Address		9. Time of Inspection From _____ a.m. To _____ a.m. p.m. p.m.		
10. State Permit Number <i>ACT/007/007</i>	11. NPDES Number	12. MSHA ID Number	13. OSM Mine Number	

**ACTIONS TAKEN**

Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:

14. Notice of Violation Number <i>93-020-370-005</i>	Dated <i>8/5/93</i>	15. Cessation Order Number - - -	Dated
---	------------------------	-------------------------------------	-------

16. VIOLATION 1 OF 2 IS MODIFIED: (Describe Action and Justify)  
*Abatement date is extended to ~~10/30/93~~ 11/1/93 at 8:00  
 Operator has submitted design and it is currently  
 under review by the RA. Parts 1 and 2*

17. VIOLATION 2 OF 2 IS MODIFIED: (Describe Action and Justify)  
*Abatement date is extended to 11/1/93 at 8:00  
 Part 1 and 2*

18. VIOLATION \_\_\_\_\_ OF \_\_\_\_\_ IS MODIFIED: (Describe Action and Justify)

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 OCT 18 1993  
 DIVISION OF  
 OIL, GAS & MINING

**CERTIFIED RETURN RECEIPT #P 965 799 424**

19. Print Name of Authorized Representative <i>MITCHELL S. ROLLINGS</i>	Identification Number <i>370</i>
20. Signature of Authorized Representative <i>[Signature]</i>	Effective Date <i>9/30/93</i>