

0062



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

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

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

September 30, 1993

CERTIFIED RETURN RECEIPT REQUESTED  
NO. P 879 596 496

Robert H. Hagen, Director  
Office of Surface Mining  
Reclamation and Enforcement, AFO  
Suite 1200, 505 Marquette, N.W.  
Albuquerque, New Mexico 87102

Re: Response to Ten-Day Notice (TDN) X93-020-370-003 TV1, Sunnyside  
Cogeneration Associates (SCA), ACT/007/035, Folder #5, Carbon County,  
Utah

Response to TDN X93-020-370-004 TV1, Sunnyside Mine, Sunnyside Coal  
Company (SCC), ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Hagen:

This letter responds to the two referenced TDNs, certified copies of which were received by the Division on September 20, 1993.

Number 1 of 1 Reads:

"Failure to bury and/or treat acid-toxic forming material. Improper placement of coal mine waste." Location: The old coarse refuse pile road. Regulations cited: R645-301-528.320 and R645-301-731.300.

Division Response:

Violation #N93-32-5-2 #1 of 2 was jointly issued to SCC and SCA on September 22, 1993 for "Failure to place, in a controlled manner, and/or treat

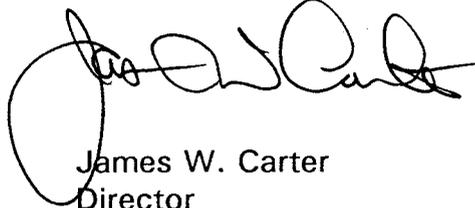


Page 2  
September 30, 1993  
Robert Hagen

acid-forming material. Failure to place coal mine waste in an approved disposal facility." Location: The old coarse refuse pile haul road. Regulations cited: R645-301-528.320 and R645-301-731.300. The remedial action required is to "remove all acid-forming material from the old coarse refuse haul road and place material in an approved disposal facility."

In light of DOGM's issuance of these violations, we request that OSM find DOGM's response appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Carter". The signature is written in a cursive style with a large initial "J" and "C".

James W. Carter  
Director

cc: L. Braxton  
P. Grubaugh-Littig  
R. Harden  
J. Helfrich

P 879 596 496

**RECEIPT FOR CERTIFIED MAIL**

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

ROBERT H HAGEN DIRECTOR	
OFFICE OF SURFACE MINING	
RECLAMATION & ENFORCEMENT	
SUITE 1200P Code	
505 MARQUETTE NW	29
ALBUQUERQUE NM 87102	62
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	729
Total Fees	\$

Form 3811, Mar. 1988

**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:  
 ROBERT H HAGEN DIRECTOR  
 OFFICE OF SURFACE MINING  
 RECLAMATION & ENFORCEMENT AF0  
 SUITE 1200  
 505 MARQUETTE NW  
 ALBUQUERQUE NM 87102

4. Article Number  
 P 879 596 496

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address  
 X *Robert Hagen*

6. Signature - Agent  
 X

7. Date of Delivery  
 10-4-93

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

PS Form 3811, Mar. 1988  
DOGM AJE

U.S.G.P.O. 1988-212-865  
ACT/007/05 #5 TDN

DOMESTIC RETURN RECEIPT  
ACT/007/007