

0001



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)

December 20, 1994

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 978 470

Robert Burnham  
Sunnyside Coal Co.  
1113 Spruce Street  
Boulder, CO 80302

Re: Finalized Assessment for State Violation #N94-32-1-1, Sunnyside Coal Co., Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Burnham:

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

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

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

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Daniels".

Ronald W. Daniels  
Assessment Conference Officer

blb  
Enclosure

cc: Donna Griffin, OSM, AFO



**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address, leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

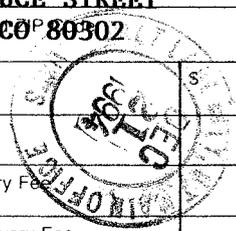
\* U.S.G.P.O. 1988-217-132

P 074 978 470

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

PS Form 3800, June 1985

Sent to <b>ROBERT BURNHAM</b>	
<b>SUNNYSIDE COAL CO</b>	
<b>1113 SPRUCE STREET</b>	
<b>BOULDER CO 80302</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	\$ 2.29
Postmark or Date	



BB DOGM 12/20/94 ACT/007/007 N94-32-1-1 FLD 5

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

COMPANY/MINE Sunnyside Coal Co/Sunnyside Mine

NOV #N94-32-1-1

PERMIT # ACT/007/007

VIOLATION 1 of 1

Assessment Date 12/14/94

Assessment Officer Ronald W. Daniels

**Nature of Violation:**

Failure to comply with the terms and conditions of the approved plan. Water monitoring.

Date of Termination: 6/28/94

		<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1)	History/Previous Violations	<u>0</u>	<u>0</u>
(2)	Seriousness		
	(a) Probability of Occurrence	<u>-----</u>	<u>-----</u>
	Extent of Damage	<u>-----</u>	<u>-----</u>
	(b) Hindrance to Enforcement	<u>20</u>	<u>20</u>
(3)	Negligence	<u>20</u>	<u>8</u>
(4)	Good Faith	<u>-0</u>	<u>-0</u>
	Total Points	<u>40</u>	<u>28</u>
	TOTAL ASSESSED FINE		\$ <u>360.00</u>

**NARRATIVE:**

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

Less negligence is deemed to be involved in the violation than previously suspected. The water quality monitoring report was not available to the operator due to there being a hold placed on the report's contents by the sampling contractor, who was awaiting payment from the permittee as a result of the mining company's bankruptcy.