



NO. N 94-32-2-2

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE COAL MINE Surface Underground Other

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

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

State Permit No. ACT/007/007

Ownership Category State Federal Fee Mixed

Date of inspection SEPTEMBER 27-29, 19 94

Time of inspection 9/27: 1:30 P.M. a.m. p.m. to 9/28: 5:00 P.M. a.m. p.m.

Operator Name (other than Permittee) 9/29: 9:00 A.M. 9/29:

Mailing Address _____

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

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

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

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

Date of service/mailing 9/29/94 Time of service/mailing 3:00 a.m. p.m.

BOB BURNHAM
Permittee/Operator representative

PRESIDENT
Title

Signature

HAND DELIVERED BY HENRY SAGER: Henry Sager
RECEIVED BY DARREL LEONARD: Darrel Leonard

HENRY SAGER
Division of Oil, Gas & Mining representative

Senior Reclamation Soils Specialist
Title

Henry Sager
Signature

#32
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

NOTICE OF VIOLATION NO. N 94-32-2-2

Violation No. 1 of 2

Nature of violation

FAILURE TO MAINTAIN DIVERSION STRUCTURE AND SITUATION STRUCTURES

Provisions of act, regulations or permit violated

R645-301-742, 312 DIVERSIONS STRUCTURES
R645-301-742, 210 SITUATION STRUCTURES

Portion of operation to which notice applies

DIVERSION STRUCTURES: 1) SACCO FLATS OUTSIDE DITCH AND OUTSLOPE
2) SSSF SPOIL PILE BERM AND AREA ERODED BELOW SPOIL PILE TO GRASSY TRAIL CREEK
3) Road berm (inside) adjacent to train loadout 4) ROAD DITCH BELOW SHIP FAN Wash Plant
5) Rail Road Switch House BERM 6) BERM AND ASSOCIATED EROSION ADJACENT TO THE NO1 Tunnel.
SITUATION STRUCTURES: SILT FENCE ON TOP OF THE SSSF POND; SILT FENCE BELOW OUGWAY GATE

Remedial action required (including any interim steps)

DIVERSION STRUCTURES REPAIR (I.E. REGRADE AND RESEED) DAMAGE CAUSED BY DIVERSION STRUCTURE FAILURE, REPAIR (I.E. RECONSTRUCT) DIVERSION STRUCTURES ACCORDING TO DESIGN SPECIFICATION ENUMERATED IN THE APPROVED PLAN.

SITUATION STRUCTURES REPAIR SITUATION STRUCTURE

Abatement time (including interim steps)

NO LATER THAN 5:00 P.M. October 28, 1994

NOTICE OF VIOLATION NO. N 94-32-2-2

Violation No. 2 of 2

Nature of violation

Failure to conduct quarterly impoundment inspections ^{during} ~~this~~ second quarter of 1994.

Provisions of act, regulations or permit violated

R645-301-514.330.
R645-301-743.140

Portion of operation to which notice applies

<u>Twin shafts ⁽⁰²⁾ Sedimentation Pond</u>	<u>Upper NO. 2 Canyon ⁽⁰¹¹⁾ Sedimentation Pond</u>
<u>Old Whitmore ⁽⁰²²⁾ " "</u>	<u>#3 Hoist House ⁽⁰¹³⁾ " "</u>
<u>New Whitmore ⁽⁰²⁸⁾ " "</u>	<u>Surface Facilities ⁽⁰¹⁴⁾ " "</u>
<u>Manshaft ⁽⁰⁰⁵⁾ " "</u>	
<u>Lower #2 Canyon ⁽⁰¹⁰⁾ "</u>	

Remedial action required (including any interim steps)

Conduct quarterly impoundment inspections as required. Since the operator is unable to go back in time and conduct the impoundment inspections ~~for~~ during the second quarter of 1994 remedial action are impossible.

Abatement time (including interim steps)

N/A