

0034

*Mine Ore Sil
File Ore Sil
cc: Bailey
WB*

SUNNYSIDE COAL COMPANY

Debtor in Possession

1113 Spruce Street
Boulder, Colorado 80302
(303) 938-1506
Facsimile: (303) 938-5005

January 9, 1995

Ms. Vicki Bailey
State of Utah,
Department of Natural Resources,
Division of Oil, Gas, & Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Assessment for State Violation #94-32-1-1, Sunnyside Coal Company, Sunnyside Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Ms. Bailey:

Enclosed please find a check for \$360.00 as payment of the referenced NOV. While I believe that this assessment is excessive and should have been completely abated, I do not intend to appeal the fine due to the cost involved in an appeal compared to the cost of the fine.

As presented during our informal conference on December 14, 1994, the samples were collected and sent to the lab for analysis. The results were not forwarded to the State because the lab refused to release the data, following our filing for bankruptcy, unless we paid their entire unsecured claim of approximately \$22,000. Because the failure to submit the water quality data was the result of the labs actions, which were outside of our control, we believe that the assessment of a penalty serves no purpose.

Sincerely,



Robert M. Burnham
President

cc: James Carter, Director, DOGM
Denise Dragoo, Fabian & Clendenin

