



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

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June 26, 1995

Art Abbs, Acting Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette N.W., Suite 1200
Albuquerque, NM 87102

Re: Board Orders, Appeal of Cessation Order C95-32-1-1 (Docket No. 95-002), Sunnyside Mine, Sunnyside Coal Company, ACT/007/007, Carbon County, Utah, Appeal of Division Determination to Approve Significant Revision to Permit to Allow Mining of Tank Seam by Co-Op Mining Company by Petitioners North Emery Water Users Association, Huntington-Cleveland Irrigation Company, and Castle Valley Special Services District (Docket No. 94-027), ACT/015/025, Folder #2, Emery County, Utah

Dear Mr. Abbs:

Enclosed please find copies of the Board Orders for the above-noted appeals - Sunnyside Coal Company Cessation Order (C95-32-1-1) was vacated and the Petitioners' appeal at the Bear Canyon Mine was denied, and the Division's action approving Co-Op's Application for a Significant Permit Revision was upheld.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

Enclosure





VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COAL CO. ATTN. ROBERT BURNAM

Mailing Address 1113 SPRUCE STREET BOULDER COLORADO 80302

State Permit No. ACT/007/007

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N _____ dated _____, 19 _____.

Cessation Order No. C 95-32-1-1 dated JAN 19, 19 95.

Part _____ of _____ is vacated terminated because THE BOARD OF OIL, GAS + MINING RULED THAT THE DIVISION OF OIL, GAS + MINING DID NOT HAVE JURISDICTION UNDER SMCRA FOR ACTIVITIES WITHIN THE PERMIT AREA. THE WRITTEN

Part _____ of _____ is vacated terminated because BOARD ORDER HAS NOT BEEN PREPARED AS OF THE WRITING OF THIS DOCUMENT DATED 3/30/95. UPON RECEIPT THIS AGENCY WILL FORWARD COPIES TO APPROPRIATE PARTIES.

Part _____ of _____ is vacated terminated because _____

CERTIFIED RETURN RECEIPT P 074 976 187

Date of service (mailing) 3/30/95

Time of service (mailing) 3:00 a.m. p.m.

ROBERT BURNAM
Permittee/Operator representative

DEBTOR IN POSSESSION
Title

MAILED FROM D.O.G.M. OFFICE
Signature

JOSEPH C. HEIDRICH
Division of Oil, Gas & Mining

PERMIT SUPERVISOR
Title

JOSEPH C. HEIDRICH
Signature



LTP 1-29

NO. C 95-32-1-1

cessation order

To the following Permittee or Operator:

Name SUNNYSIDE COAL COMPANY

Mine SUNNYSIDE COAL MINE Surface Underground Other

County CARBON State UTAH Telephone (801)888-4421

Mailing Address P.O. BOX 99, STATE HIGHWAY 108, SUNNYSIDE, UTAH 84389

State Permit No. ACT/007/007

Ownership Category State Federal Fee Mixed

Date of inspection January 10 and 19, 19 945.

Time of inspection 1/19: 11:00 a.m. p.m. to 1/19 a.m. p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining & 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 that a Cessation Order must be issued with respect to each of the conditions, practices or violations listed in the attachment(s). This order constitutes a separate Cessation Order for each condition, practice or violation listed.

In accordance with Section 40-10-22, *Utah Code Annotated*, you are ordered to **cease immediately** the operations described in the attachment(s) and to perform the affirmative obligations described in the attachment(s) within the designated time for abatement. Reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

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

This order 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 Division of Oil, Gas & Mining.

Date of service/ mailing January 19, 1995

Time of service/ mailing 3:35 a.m. p.m.

Robert Buruham
Permittee/Operator representative

President
Title

Signature

Henry Sauer
Division of Oil, Gas & Mining representative

Senior Reclamation Soils Specialist
Title

Signature

#32
Identification Number

SEE REVERSE SIDE

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



CESSATION ORDER NO. C 95-32-1-1

Violation No. 1 of 1

Nature of condition, practice or violation

Failure to minimize disturbance to the prevailing hydrologic balance in the permit and associated off-site areas.

Provisions of act, regulations or permit violated

Utah Code Annotated (U.A.C.) 1953 et. seq. 40-10-18(2)(1)
Re 45-301-750

Check appropriate box

- Condition, practice or violation is creating an imminent danger to health or safety of the public.
- Permittee/Operator is/has been conducting mining activities without a permit.
- Condition, practice or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.
- Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. N _____ within time for abatement originally fixed or subsequently extended.

Operation(s) to be ceased immediately

Deposition of foam and or foam into Grassy Trail Creek and or any other off site areas.

Affirmative obligation(s) and abatement time (if applicable)

None

WHITE-DOG M YELLOW-OS M PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE