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DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER QUALITY

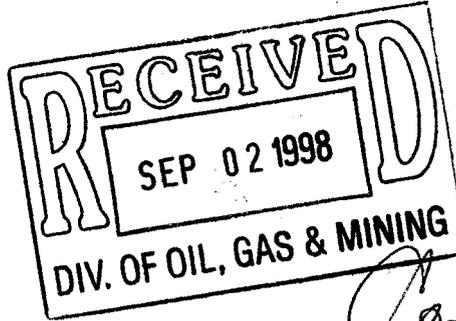
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August 31, 1998

Mr. Greg Jensen, Managing Principal
Penta Creeks, L.L.C.
140 South Newton
Albert Lea, Minnesota 56007



*Copy Ready, Mark
ACT/100/100 #2
-Lone*

Dear Mr. Jensen:

Subject: Sunnyside Coal Company, UPDES Permit No. UT0022942

It is our understanding that Penta Creek, L.L.C., for whom you are the managing principal, recently purchased property (previously owned by Sunnyside Coal Company) from Kenneth A. Rushton, Chapter 7 Bankruptcy Trustee. The State of Utah in July of 1997 renewed a Utah Pollutant Discharge Elimination System (UPDES) permit covering the old Sunnyside Coal Company facility. The federal regulations in 40 CFR 434.52(a) require that the UPDES permit (which contains appropriate effluent limitations from 40 CFR) be in force until the performance bond issued to the facility by the appropriate SMCRA authority (Division of Oil, Gas & Mining in Utah) has been released. In conversation with a representative of the Division of Oil, Gas & Mining, actions have occurred equivalent to the appropriate performance bond release. As a result of this and the fact that you nor anyone else has requested coverage by a UPDES permit for the various sedimentation ponds on-site, and no one has paid the issuance fee for the permit issued in July of 1997, the present permit will be inactivated. It will be inactivated as of the date of this letter.

Inactivation of the permit means that the UPDES permit will no longer be in force and that if any point source discharge occurs to waters of the State, it will be considered as discharge without a permit and subject to enforcement actions. The owners and/or operators of said property from which the point source discharge emanated would be the party against whom the enforcement actions would probably be taken.

If you have any questions regarding this action, contact Mike Herkimer of my staff at (801) 538-6058.

Sincerely,

Donald A. Hilden, Ph.D., Manager
Permits & Compliance Section

DAH:MDH:st

- cc: Kenneth A. Rushton, Attorney
Mary Ann Wright, DOGM
Curt McCormick, USEPA Region VIII
David Ariotti, Regional Engineer
Claron Bjork, S.E. Utah Health Dist.
Ralph C. Petty, Attorney

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