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SUNNYSIDE COGENERATION ASSOCIATES

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December 9, 1993

Mr. Randy Harden  
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Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
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DIVISION OF  
OIL, GAS & MINING

RE: Sunnyside Cogeneration Associates (SCA) Permit No. ACT/007/035  
Project Number EC450593  
Violation N93-32-5-2, 1 of 2

# 5

Dear Randy,

This letter is written in regards to Violation Number N93-32-5-2, 1 of 2 for failure to place, in a controlled manner, and/or treat acid-forming material. Failure to place coal mine waste in an approved disposal facility. This violation was issued specifically for removal of the acid-forming material on the Old Coarse Refuse Road.

To date, SCA has been diligently seeking information to abate this violation. The Old Coarse Refuse Road was originally constructed during the 1970's with coarse refuse material. Since that time various maintenance and additional construction of a berm have been accomplished. There is very little information available at this time which is necessary to design reclamation activities. SCA believes that because of the steep slopes adjacent to the Old Coarse Refuse Road that proper reclamation design concepts need to be formulated. A little bit of thought should go into the construction methods that should be used and the general final plan of the reclamation of the road. The reclamation design concepts are necessary and need to be conveyed to a contractor so that the job is completed correctly so that as little harm as possible will be done to the environment.

SCA has been gathering information to formulate the reclamation concepts. To date SCA has invited three contractors to visit the Old Coarse Refuse Road to discuss construction techniques and costs involved with the project. From this we have learned that project of this type will require special equipment that is not normally used in a mining operation. Also, we have estimated the time to perform the construction will be approximately four months.

SCA has also dug various test pits to determine the quantity of material which has been placed on the road and to determine the depth to natural ground. General reclamation concepts have been discussed as to whether final or interim reclamation will be performed. As you understand the reclamation design and costs will be drastically different for each of these two reclamation scenarios.

At this time SCA is proposing a schedule for completion of reclamation of the Old Coarse Refuse Road as follows:

<u>Activity</u>	<u>Approximate Completion Date</u>
Prepare Preliminary Reclamation Plans	January 15, 1994
DOGM Review	February 1, 1994
Revise PAP	February 15, 1994
Prepare Final Reclamation Plans and Specifications Obtain information on sources of mulch and fertilizer	March 15, 1994
Bid Documents mailed to potential contractors	March 20, 1994
Proposals accepted and reviewed	April 15, 1994
Contract Awarded	April 30, 1994
Begin Construction	May 15, 1994 to July 15, 1994
• Mobilization	
• Coarse Refuse Removal	
Construction Continues	July 15 to August 15, 1994
• Finalize Coarse Refuse Removal	
• All acid/toxic forming material removed (Abatement of Violation N93-32-5-2, 1 of 2	
Construction Continues	August 15 to September 15, 1994
• Debris Clean-up and spot waste removal	
• opening of borrow pit	
• grading and fill placement	
Construction Continues	September 15 to October 15, 1994
• Ripping of Compacted sites	
• topsoiling	
• seedbed preparation	
• delivery of much, fertilizer, seed, plants and erosion matting	
Construction Continues and Completed	October 15 to November 15, 1994
• Regrade borrow pit	
• fertilization	
• mulching	
• seeding	
• Install erosion matting	

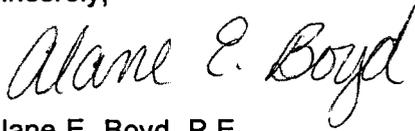
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SCA believes that it would be best to perform the excavation and grading activities during the summer. This is because the period of spring snowmelt results in saturated soil conditions and the highest volume of natural runoff. The snowmelt can cause erosion of unstable or disturbed soils. Therefore, to cause least harm to the environment it is best to avoid this period for major grading or earth moving activities.

During the entire period SCA commits to providing DOGM with monthly progress reports outlining the status of the project. If you have any questions, please feel free to give me a call.

Sincerely,



Alane E. Boyd, P.E.  
Senior Engineer

cc: Brian Burnett, CDN  
Jim Carter, DOGM  
David Pearce, SCA  
Joe Helfrich, DOGM