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SUNNYSIDE COGENERATION ASSOCIATES

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SALT LAKE CITY, UTAH 84158-0087

December 2, 1993

Mr. James Carter
Division of Oil, Gas and Mining
3 Triad Center - Suite 350
Salt Lake City, UT 84180-1203

RE: Sunnyside Cogeneration Associates

Dear Mr. Carter,

This letter is in regards to Violations N93-40-5-9 No. 1 of 9, N93-32-5-2 No. 1 of 2, and N93-32-5-2 No. 2 of 2. Extension requests were submitted to the Division on November 30, 1993 for these violations, but were not accepted. The Division requested that Sunnyside Cogeneration Associates (SCA) provide further explanation and justification for requesting extensions for these violations. The following paragraphs should be adequate to explain the extenuating circumstances that exist in regards to the fulfillment of these violations.

Violation N93-40-5-9 1 of 9 was issued for failure to perform contemporaneous reclamation and Violation N93-32-5-2 2 of 2 was issued for failure to maintain diversion structures which has been modified to include adequate terrace drainage on the coarse refuse pile.

Presently, SCA has committed to covering the third lift of the coarse refuse pile with 2 feet of cover. Although, Sunnyside Coal Company (SCC) is required to perform this work under a contractual agreement with SCA. Nonetheless, the work has not been completed at this time.

Originally, SCA hired a local contractor to assist SCC in completing this task, but SCA was asked by SCC not to perform any further activity. SCC specifically requested that SCA discontinue assistance in completing this task because of potential problems involving the United Mine Workers Union. Conflicts were arising between union and non-union workers working in the same vicinity. SCA does however have a seeding contractor scheduled to mulch and seed as soon as work is complete.

As stated in the extension letter sent on November 30, 1993, the diversion for the coarse refuse pile cannot be maintained until the third lift is completely covered. Therefore, the explanation above also applies to the fulfillment of this violation.

SCA has tried everything possible to expedite the process and meet the extension date of December 3, 1993, but has not been able to meet the deadline due to circumstances beyond their control. Therefore, SCA is formerly requesting an extension to December 31, 1993 for Violations N93-40-5-9 1 of 9 and Violation N93-32-5-2 2 of 2.

Violation N93-32-5-2 No. 1 of 2 was issued for failure to remove acid-forming material from the Old Coarse Refuse Road. Recently, SCA has inquired with contractors for estimates to remove the material.

PLEASE - FILE - ACT - 007-035
FILE FOLDER # 5
CC: NEW FILES ACT/007/035
N-93-40-5-9
N-93-32-5-2
THANK YOU Jch

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SCA has also had test holes excavated in order to determine quantities of material to be removed. The contractors involved will have to furnish or purchase special equipment to work through the winter. Contractual agreements will also have to be set up between owner and contractors. This project will be very costly and will take approximately 3 months to complete.

SCA has a contractor on site that was scheduled to begin removing the material from the Old Coarse Refuse Road on November 29, 1993. Although, prior to removing the material from the Old Coarse Refuse Road, the contractor was in the process of cleaning Slurry Pond #2, which SCC will need for slurry storage by December 15, 1993. Due to existing conditions of the slurry material (wetter than usual), the cleaning of the slurry pond has taken significantly longer than expected to complete. After the cleaning of the pond is complete, SCA will direct the contractor to other areas of the SCA Permit Area which will include the terrace drainages on the coarse refuse pile, removing the material from the Old Coarse Refuse Road, preparing Storage Areas One, Two, and Three, and completing the Noncombustible Waste Disposal Site.

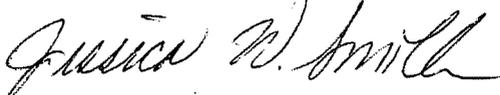
In order to complete the work involved for general site maintenance and to resolve outstanding violations, it would involve hiring several contractors at once to perform the work. This would be an extremely costly endeavor and creates confusion and other problems as outlined in the previous paragraphs.

SCA is asking the Division of Oil, Gas and Mining to consider the extension dates requested and the time frame in which it is taking for SCA to complete on site projects. SCA would appreciate full consideration of these matters. If there are any questions, please feel free to call.

Sincerely,



for David Pearce
Authorized Member, Management Committee



Jessica W. Smith
Staff Engineer

cc: Brian Burnett, Callister, Duncan & Nebeker
Randy Harden, DOGM

AEB:jws
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