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UTAH NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

gh

MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COGENERATION ASSOCIATES

Mailing Address 90 COLLISTER, DUNLAP NEBRASKA, KENNEDY BLDG, SUITE 800

State Permit No. ACT/007/035 ~~10E.S. TEMPLE~~, SLC UT. 84133

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

Notice of Violation No. N 93-40-6-4 dated Sept. 15, 1993.

Cessation Order No. C _____ dated _____, 19 ____.

Part 4 of 4 is modified as follows: ABATEMENT DATE IS EXTENDED TO

DECEMBER 31, 1993 AS PER OPERATOR REQUEST RECEIVED BY

Reason for modification is EX ON DEC. 14, 1993. SEE ATTACHED.

Part _____ of _____ is modified as follows: _____

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 12/20/93 Time of service/mailling 5:00 a.m. p.m.

Date of inspection _____

FRED FINLINSON
Permittee/Operator representative

RESIDENT AGENT FOR SCA
Title

Signature _____

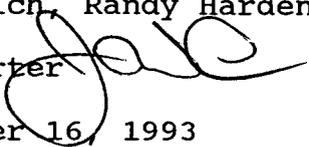
J. RANDALL HARDEN
Division of Oil, Gas & Mining

ST. REGI. ENGR.
Title

J.P. [Signature]
Signature

MEMORANDUM

TO: Joe Helfrich, Randy Harden

FROM: Jim Carter 

DATED: December 16, 1993

RE: Sunnyside Cogeneration Associates NOVs N93-40-5-9, N93-32-5-2
and N93-40-6-4.

I have reviewed the letter of December 14, 1993 from Sunnyside Cogeneration Associates (SCA) requesting extensions of time for abatement of the above-identified violations from December 15, 1993 to December 31, 1993. We have previously discussed the extent to which SCA has exercised diligence in abating these NOVs, and the progress made towards abatement to date.

It is unfortunate that SCA did not anticipate that labor issues might arise in attempting to complete abatement of N93-40-5-9 which would interfere with the abatement of the remaining NOVs as well. Nevertheless, I find that abatement of all three NOVs has been hampered by labor disputes, and that extension of the time for abatement of all three NOVs may be appropriately extended to December 31, 1993. Please prepare the appropriate modifications of N93-40-5-9, N93-32-5-2 and N93-40-6-4.

SUNNYSIDE COGENERATION ASSOCIATES

POST OFFICE BOX 58087
SALT LAKE CITY, UTAH 84158-0087

December 14, 1993

Mr. Randy Harden
Senior Reclamation Engineer
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
Salt lake City, Utah 84180-1203

RECEIVED

DEC 16 1993

DIVISION OF
OIL, GAS & MINING

RE: Sunnyside Cogeneration Associates (SCA) Permit No. ACT/007/035
Project Number EC450593
Violation N93-40-5-9 Number 1 of 9, Violation 93-32-5-2 Number 2 of 2, and
Violation N93-40-6-4 Number 4 of 4

Dear Randy,

This letter is written in regards to the above referenced Violations. Violation N93-40-5-9, Number 1 of 9 was issued for failure to perform contemporaneous reclamation. Violation N93-32-5-2, Number 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. Violation N93-40-6-4, Number 4 of 4 was for transporting and stockpiling coal and/or coal refuse to the coarse refuse pile in a manner that is not approved.

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.

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.

SCC finished covering the lifts on Monday, December 13, 1993. However the terraces were not graded so that adequate drainage would occur. Also, many boulders were left in place. SCA understands that before seeding can occur that grading of the terraces and general bolder clean-up needs to be completed. The grading and clean-up of the lifts will take a contractor approximately 7 working days to complete.

Also, the diversion for the coarse refuse pile cannot be maintained until the third lift is adequately maintained. The diversion requires the placement of filter fabric and rip rap for erosion protection. This type of construction will take approximately another seven working days to complete.

Mr. Randy Harden
December 14, 1993
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SCA has been diligent in trying to expedite the process and meet the extension date of December 15, 1993, but will not be ^{ABLE} to meet the deadline due to circumstances beyond their control. Therefore, SCA is formerly requesting an extension to December 31, 1993 for Violation N93-40-5-9 1 of 9 and Violation N93-32-5-2 2 of 2.

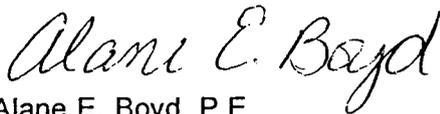
In regards to Violation N93-40-6-4, Number 4 of 4, SCA has begun the removal of the excess material that was transported back to the Permit Area by Savage. For a short period of time, the crushing unit could not handle certain material from the permit area. Because the waste coal was too large for the screening system, it was returned to the coarse refuse pile to be backblended with other material after the crusher had been fixed. The crushing unit can now handle this material and the material is being backblended with other coarse refuse so that it will be utilized in the SCA facility. This material will be taken off of the permit site.

This material did not come from another location, but was merely waste coal taken from the SCA refuse pile which had some unique crushing characteristics that the facility could not handle at the time. The SCA facility has now been modified so that the crushing unit can now handle this material.

To date approximately half of the material has been removed from the Permit Area. It makes most sense to remove this material and permanently dispose of it by burning it in the Power Plant. SCA has limited stockpiling area on the Plant Site and is unable to store this material on the Plant Site. The remaining material will take approximately three weeks to remove and burn in the plant. Therefore, SCA is formerly requesting an extension to December 31, 1993 for Violation N93-40-6-4, Number 4 of 4.

SCA is asking the Division of Oil, Gas and Mining to consider the extension dates requested. If the Division is unable to extend the abatement dates then SCA will be required to ask for Temporary Relief. SCA would appreciate full consideration of these matters. If there are any questions, please feel free to call.

Sincerely,



Alane E. Boyd, P.E.
Senior Engineer
Eckhoff, Watson and Preator Engineering

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