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UTAH
NATURAL RESOURCES
Oil, Gas & Mining

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

John [unclear]

VACATION/TERMINATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COGENERATION ASSOCIATES

Mailing Address P. O. BOX 58087, SALT LAKE CITY, UT 84158-0087

State Permit No. ACT/007/035

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

Notice of Violation No. N 93-40-4-1 dated 6 MAY, 1993.

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

Part 1 of 1 is vacated terminated because STIPULATION #1 IS BEING REMOVED FROM THE PERMIT, AND AS SUCH, NO VIOLATION EXISTS (SEE ATTACHED).

Part _____ of _____ is vacated terminated because _____

Part _____ of _____ is vacated terminated because _____

Date of ~~service~~/mailing 8/3/93 Time of ~~service~~/mailing 3:00 a.m. p.m.

FRED FINLINSON
Permittee/Operator representative

RESIDENT AGENT
Title

Signature

HUGH KLEIN
Division of Oil, Gas & Mining

RECLAMATION SPECIALIST #40
Title

[Handwritten Signature]
Signature



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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*Copy Hugh
Henry*

July 30, 1993

Brian Burnett, Esq.
Callister, Duncan & Nebeker
Suite 800 Kennecott Building
Salt Lake City, Utah 84133

Denise Drago, Esq.
Fabian & Clendenin
P.O. Box 510210
Salt Lake City, Utah 84151

Dear Brian and Denise:

Re: Removal of Operating Agreement Condition from Coal Permit

We have reviewed the request of Sunnyside Cogeneration Associates ("SCA") that the Division remove as a permit condition the requirement that SCA enter into an operating agreement with Sunnyside Coal Company ("SCC"). The Division and its counsel agree that the Division is programmatically unable to require SCA to enter into such an agreement as a permit condition. Accordingly, the Division withdraws that condition from the stipulations of SCA's permit and will vacate NOV N-93-40-4-1 issued to SCA on May 6, 1993. We note, however, that in the absence of an approved operating agreement pursuant to Utah Admin. R. 645-301-117.300, the Division must treat the area as jointly permitted and must require both parties to conform to all requirements of the coal regulations.

We hope to submit to both parties next week a letter outlining what the Division would consider necessary in an operating agreement to meet the requirements of Utah Admin. R. 645-301-117.300.

Very truly yours,

James W. Carter
Director

cc: L. Braxton
P. G.-Littig
T. Mitchell, Esq.