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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

ACT/007/035  
General File

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

December 13, 1993

Mr. David Pearce  
Sunnyside Cogeneration Associates  
P.O. Box 58087  
Salt Lake City, UT 84158

Re: Sunnyside Cogeneration Associates, Sunnyside Refuse & Slurry, ACT/007/035

Dear Mr. Pearce:

Enclosed is a copy of a final assessment which was mailed December 10, 1993 to you in error as agent for Sunnyside Cogeneration Associates. The assessment should have been mailed to Sunnyside Coal Company. The correction has been made and the proper parties will receive this notice.

I apologize for any inconvenience that this has caused.

Very truly,

A handwritten signature in cursive script that reads "Sally Marelius".

Sally Marelius  
Coal Secretary

:SM  
Enc.

cc: Fred Finlinson, Esq.





State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
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ACT 007/095

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December 10, 1993

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 975 461

Mr. David Pearce  
Sunnyside Cogeneration Associates  
P.O. Box 58087  
Salt Lake City, UT 84158

Re: Finalized Assessment for State Violation #C93-32-1-1, Sunnyside Refuse & Slurry, Sunnyside Cogeneration Associates Mine, ACT/007/007, Folder #5, Carbon County, Utah

Dear Mr. Pearce: *Fildch*

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

*Ronald W. Daniels*  
Ronald W. Daniels  
Assessment Conference Officer

sm  
Enclosure



WORKSHEET FOR ASSESSMENT OF CESSATION ORDERS  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Sunnyside Refuse & Slurry/Sunnyside Cogeneration Associates CO # C-93-32-1-1

PERMIT # ACT/007/007 VIOLATION 1 OF 1

Date of Abatement of Cessation Order: 5/2/93

Assessment Conference Report: The company made the argument before the Assessment Conference Officer that R645-100-800, "Computation of Time", might be the appropriate rule governing time periods for cessation orders.

Ut. Admin. R645-100-810 states that "except as otherwise provided, computation of time under the R645 Rules is based on calendar days." To apply R645-100-800 to cessation orders (C.O.'s) would negate the usefulness of a C.O. as an enforcement device. It is clear that the provisions of R645-401-420 would apply to C.O.'s so that each day during which such failure (to abate) continues a fine of \$750 applies.

The assessment is finalized as proposed.

Date of Receipt of Cessation Order: 4/28/93

List the days of Failure to Abate: 4

Number of Days x \$750.00/day = TOTAL ASSESSED FINE: \$3,000

Assessment Date 12/10/93

Assessment Officer: Ronald W. Daniels

       Proposed Assessment

  X   Final Assessment