

0018



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

Mine File

October 8, 1993

SENT by FACSIMILE
AND CERTIFIED MAIL
No. P 074 975 495

Robert H. Hagen
Office of Surface Mining
Reclamation & Enforcement
505 Marquette NW, Suite 1200
Albuquerque, New Mexico 87102

Re: Ten-Day Notice X93-020-370-002-TV1, Sunnyside Cogeneration Associates, Folder #5, ACT/007/035, Carbon County, Utah

Dear Mr. Hagen:

I am writing to request that you reconsider the adequacy of the Division of Oil, Gas and Mining's (DOGM's) response to the above-identified ten-day notice (TDN). By this letter I hope to clarify the basis for DOGM's original response, and for my request that you find our response adequate under the circumstances.

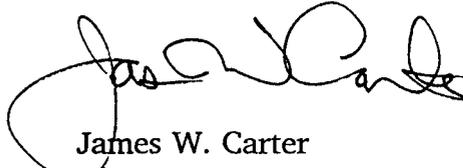
The coal handling facilities located at the site of the cogeneration plant, outside the permit area, were originally excluded from the permit area on the basis of the end-use exemption contained in the Utah program. We understand that the end-use exemption has been deleted from the federal rules, although it remains in the Utah program.

Notwithstanding the Utah exemption, DOGM required SCA to propose another basis, if one exists, for continuing to exclude the subject facilities from the permitted area in conjunction with their response to the Division's order of compliance with the permit conditions. SCA made the required submittals on September 15 as directed by the Division, including additional information regarding the purposes and functioning of the off-permit area coal handling facilities. DOGM is now in the process of evaluating SCA's submittals for compliance with its order.



Based upon our initial evaluation, It is likely that Division enforcement action will be taken based upon the substance of the submittals. We have not completed our evaluation of the submittals, however, and do not wish to take piecemeal enforcement actions now which may be later mooted. Accordingly, I request that you reconsider DOGM's actions to date and find them to be appropriate at this point.

Very truly yours,



James W. Carter
Director

vb

cc: B. Burnett, SCA
L. Braxton
J. Helfrich
P. Grubaugh-Littig
R. Harden
W. Malencik (PFO)

SCATDN.L

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS & MINING
 8 TRIAD CENTER SUITE 350
 SALT LAKE CITY, UTAH 84180-1205

Print Sender's name, address, and ZIP Code in the space below.

PENALTY FOR PRIVATE USE, \$300



DIVISION OF
OIL, GAS & MINING

OCT 18 1993

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 MAIL

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

TO
RETURN

DOGM L.J. TDN X93-020-370-002-TV1 SUNNYSIDE ACT/007/035

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: ROBERT H HAGEN OFFICE OF SURFACE MINING RECLAMATION & ENFORCEMENT 505 MARQUETTE NW STE 1200 ALBUQUERQUE NM 87102	4. Article Number P 074 975 495 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address <i>Gene Gray</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>Gene Gray</i>	
7. Date of Delivery 10/12/93	

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

PS Form 3800, June 1985

ROBERT H HAGEN	Postmark or Date
OSM REC & ENF.	
Street and No.	
505 MARQUETTE NW STE 1200	
P.O. State and ZIP Code	
ALBUQUERQUE NM 87102	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Requested Fee	
Return Receipt Requested Fee to Whom Delivery is to be Made	
Return Receipt Requested Fee to Whom Date and Address of Delivery	
TOTAL Postage and Fees	\$

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DOGM L.J. TDN X93-020-370-002-TV1
 P 074 975 495