

0020



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

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FAX COVER SHEET

Date: 9-30-93
FAX #: (505) 766-2609
From: Jim Carter

Please deliver the following page(s) to:

Robert Hagen

Total number of pages, including this page 3

Comments: TDN Response
X93-020-370-003 TVI
X93-020-370-004 TVI

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FAX





United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Suite 1200
505 Marquette Avenue N.W.
Albuquerque, New Mexico 87102

September 30, 1993

file orig
JWC ✓
cc: CPB
JCH
10-5-93
TAM
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IN REPLY REFER TO: 10-5-93

CERTIFIED RETURN RECEIPT NO. P 965 799 491

Mr. James W. Carter, Director
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

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CC 04 1993

DIVISION OF
OIL, GAS & MINING

Re: Ten-Day Notice (TDN) 93-020-370-002, TV 1, Sunnyside Cogeneration
Associates, ACT/007/035

Dear Mr. Carter:

The above-referenced TDN was received by the Division of Oil, Gas, and Mining (DOGM) on September 7, 1993, and the Albuquerque Field Office (AFO) received a faxed copy of DOGM's response on September 17, 1993. AFO understands the DOGM response to state that submittals by Sunnyside Cogeneration Associates (SCA) to unresolved permit stipulations will address the TDN issue. AFO further understands the DOGM response to state that enforcement action will be taken on September 30, 1993, if the SCA responses to the stipulations do not correct all inaccuracies and deficiencies of the maps and plans.

The area subject to the TDN currently lies outside of the approved SCA permit boundary. AFO noted during the review that the DOGM response does not specifically state the subject area must be permitted. The DOGM response states, " * * * As part of a stipulation * * * SCA is required to submit to DOGM current certified maps clearly delineating the entire permitted area." AFO's understanding of the permit stipulations differs from DOGM's stated position in that stipulation nine states, " * * * the permittee must submit, for inclusion in the PAP, accurate representations of the disturbed area within the permit area of the (SCA) facility. This must include, but not be limited to, current maps of the area which accurately depict the present configuration of the land within the permit area" (emphasis added). AFO does not agree that a stipulation addressing lands within the permit area addresses the subject area that is located outside of the approved permit boundary.

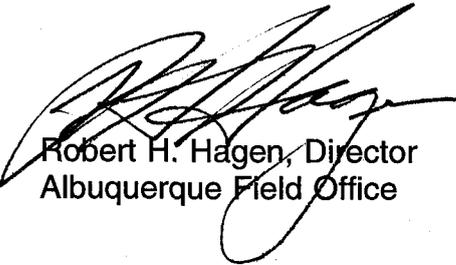
Mr. James W. Carter

2

DOGM's response does not indicate that SCA is required to permit the subject area. The subject area is currently outside of the approved permit boundary. The permit stipulations do not require the subject area to be included in the permit area. Therefore, AFO finds the DOGM response to be inappropriate.

If you disagree with this finding, you may request an informal review in accordance with 30 CFR 842.11(b)(1)(iii)(A). The request may be filed at this office or with the Deputy Director, OSM, 1951 Constitution Avenue, N.W., Washington, D.C., 20240. Your request must be received within five days of receipt of this letter. A Federal inspection may be conducted after the five day appeal time has elapsed unless an informal review is requested.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office