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Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

February 4, 1993

Mr. David Pearce
Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84158-0087

Dear Mr. Pearce:

Re: Permit, Sunnyside Cogeneration Associates, Sunnyside Coarse Refuse and Slurry, ACT/007/035, Folder #3, Carbon County, Utah

Enclosed please find two original permits for the Sunnyside Cogeneration Associates' Facility. Please sign both copies and return one to the Division.

Sincerely,

Lowell P. Braxton
Acting Director

jbe
cc: Brian Burnett, Callister, Duncan, and Nebeker
Pamela Grubaugh-Littig
007035

an equal opportunity employer

NON-FEDERAL

PERMIT
Permit Number ACT/007/035

February 4, 1993

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
(801) 538-5340

This permit, ACT/007/035, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Sunnyside Cogeneration Associates
P.O. Box 58087
Salt Lake City, Utah 84158-0087
(801) 888-4476 or (617) 720-5550

for the Sunnyside Coarse Refuse and Slurry. An Irrevocable Letter of Credit is filed with the Division in the amount of $1,500,000, payable to the State of Utah, Division of Oil, Gas and Mining. The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 **STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 **PERMIT AREA** - The permittee is authorized to conduct surface coal mining activities on the following described lands within the permit area at the Sunnyside Coarse Refuse and Slurry, situated near Sunnyside, Utah, and is accessible via State Highway 123 in the state of Utah, Carbon County, and located:

Township 15 South, Range 14 East, SLBM

PARCEL B:

Describing a parcel of land located in Carbon County, Utah, which is located in the east half of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian and being more particularly described according to the following courses and distances, to wit:

Beginning at the East one quarter corner of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian and running thence S 0°13'39" W, 1818.48 feet along the east section line of Section 6 to the south right of way line

of an existing railroad track; thence northwesterly along a curve to the right with a radius of 450.00 feet, through an angle of 83°37'47", for a distance of 656.83 feet having a chord that bears N 40°27'18" W, 600.05 feet; thence N 1°21'36" E, 68.00 feet along the westerly right of way line of an existing railroad track; thence S 57°11'02" W, 338.86 feet to an existing 5/8 inch rebar; thence S 66°14'45" W, 220.17 feet to an existing 5/8 inch rebar; thence S 86°11'30" W, 261.34 feet to a metal fence post; thence N 4°41'13" W, 264.09 feet to a roof bolt on the west side of a gate in a fence line; thence N 10°54'48" W, 189.49 feet to a metal fence post; thence N 0°39'10" W, 254.39 feet to a metal fence post; thence N 10°09'48" W, 315.48 feet to a metal fence post; thence N 6°32'57" W, 232.70 feet to a roof bolt in an existing fence line; thence N 6°32'57" W, 65.24 feet to the south right of way line of a Denver and Rio Grande Railroad as described in a certain deed dated July 29, 1912; thence N 71°27'00" E, 1209.07 feet along the south line of a 50 foot wide right of way for the Denver and Rio Grande Railroad; thence northeasterly along a curve to the left with a radius of 979.93 feet, through an angle of 9°19'48", for a distance of 159.57 feet, having a chord that bears N 66°47'06" E, 159.40 feet to the east line of said Section 6; thence S 0°13'39" W, 174.12 feet along the east line of Section 6, to the point of beginning.

Containing 42.316 acres, more or less.

PARCEL C:

Describing a parcel of land located in Carbon County, Utah, which is located in the south half of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian, and being more particularly described according to the following courses and distances, to wit:

Beginning at the southeast corner of Section 6, Township 15 South, Range 14 East, Salt Lake Base and Meridian which is a brass cap; and running thence N 89°57'59" W, 2646.97 feet along the south line of said Section 6 to the south one-quarter corner of said Section 6; thence S 89°27'59" W, 1321.87 feet along the south line of said Section 6 to the southwest corner of the SE1/4 SW1/4 of said Section 5; thence N 59°40'32" E, 666.58 feet to a metal fence post; thence N 44°13'50" E, 430.53 feet to a roof bolt; thence N 59°09'24" E, 167.86 feet to a metal

fence post; thence N 63°51'14" E, 188.19 feet to a metal fence post; thence N 60°15'43" E, 335.60 feet to a metal fence post; thence N 21°00'31" W, 34.15 feet to an east brace post in a barbed wire fence; thence N 81°18'59" E, 1270.98 feet along an existing fence line to a roof bolt; thence N 36°40'17" E, 152.88 feet along a fence line to a roof bolt; thence S 4°41'13" E, 264.09 feet to a metal fence post; thence N 86°11'30" E, 261.34 feet to an existing 5/8 inch rebar; thence N 66°15'45" E, 220.17 feet to an existing rebar; thence N 57°11'01" E, 338.86 feet to the west right of way line of an existing railroad right of way; thence S 1°21'36" W, 68.00 feet along the westerly right of way line of an existing railroad tract; thence southeasterly along a curve to the left with a radius of 450.00 feet, through an angle of 83°37'47", for a distance of 656.83 feet having a chord that bears S 40°27'18" E, 600.05 feet to a point on the east line of said Section 6; thence S 0°13'39" W, 818.01 feet along the section line to the point of beginning.

Containing 79.085 acres, more or less.

ALSO:

Describing a parcel of land located in Carbon County, Utah, which is located in the north half of Section 7, Township 15 South, Range 14 East, Salt Lake Base and Meridian and being more particularly described according to the following courses and distances, to wit:

Beginning at the northwest corner of Section 7, Township 15 South, Range 14 East, Salt Lake Base and Meridian, which is a brass cap; and running thence N 89°27'59" E, 1253.27 feet along the north line of said Section 7 to the northeast corner of the NW1/4 NW1/4 of said Section 7; thence N 89°27'59" E, 1321.87 feet along the north line of said Section 7 to the north one quarter corner of said Section 7; thence S 89°57'59" E, 2646.97 feet along the north line of said Section 7 to the northeast corner of said Section 7 to the northeast corner of said Section 7 which is a brass cap; thence S 0°15'54" W, 1322.37 feet along the east line of said Section 7 to the southeast corner of the NE1/4 NE1/4 of said Section 7; thence S 89°53'03" W, 2656.91 feet along the south line of the north one half of the northeast one quarter of said Section 7 to the southwest corner of the NW1/4 NE1/4 of said Section 7; thence S 0°41'30" W, 664.69 feet along the east line of the

SE1/4 NW1/4 of said Section 7 to the southeast corner of the NE1/4 SE1/4 NW1/4 of said Section 7; thence S 89°40'06" W, 2560.98 feet along the south line of the north one half of the south one half of the northwest one quarter of said Section 7 to the southwest corner of the NW1/4 SW1/4 NW1/4 of said Section 7; thence N 0°17'17" E, 1984.79 feet along the west section line of said Section 7 to the point of beginning.

Containing 197.987 acres, more or less.

Less a strip of land 200 feet wide for an existing railroad right of way lying in the west half of Section 7, Township 15 South, Range 14 East, Salt Lake Base and Meridian.

The permittee is authorized to conduct surface coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

Sec. 3 **COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 **PERMIT TERM** - This permit becomes effective on February 4, 1993, and expires on February 4, 1998.

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.

Sec. 6 **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

(a) have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;

(b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 **SCOPE OF OPERATIONS** - The permittee shall conduct surface coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 **ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

(a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

(b) immediate implementation of measures necessary to comply; and

(c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 **CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

(a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

(b) utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 10 **EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 11 **RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 12 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 13 COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 14 PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 15 CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

Sec. 16 APPEALS - The permittee shall have the right to appeal as provided for under R645-300-200.

Sec. 17 SPECIAL CONDITIONS - There are special conditions associated with this permitting action, as described in Attachment A, Permit Conditions.

The above conditions (Secs. 1-17) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: Lowell P. Braxton
Acting Director Utah Division of Oil, Gas, & Min

Date: 2-4-93

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Pres. of American Corps

Authorized Representative of the Permittee

Date: 2/ /93

ATTACHMENT A

Permit Conditions

1. **R645-301-117.300 (PGL)** Within ten days, but no later than April 30, 1993, of signing the Operating Agreement between Sunnyside Cogeneration Associates (SCA) and Sunnyside Coal Company (SCC) for the operational and reclamation responsibilities for the two contiguous permit areas under the Utah Coal Program, the permittee must submit, for inclusion in the PAP, a copy of the Operating Agreement between SCA and SCC.

2. **R645-301-233 (HS)** By July 1, 1993 the permittee must adequately characterize the proposed borrow material (i.e., soil analyses and soil profile descriptions) down to the plan excavation depth to include the material which will remain and act as the plant growth medium for the reclamation of the borrow areas and submit for inclusion in the PAP. The suitability and availability of the proposed substitute topsoil material which covers the Coarse Refuse Pile and the embankments of the East and West Slurry Cells must be determined and submitted for inclusion in the PAP. In addition for inclusion in the PAP, the permittee must describe and provide for the protection of the cover material and discuss its temporary salvage and storage while mining activities proceed.

3. **R645-301-321.100 (SW)** By July 31, 1993 the permittee must submit, for inclusion in the PAP, a detailed discussion on the Riparian vegetation type. This discussion must include grasses, forbs, and shrubs found within this zone.

4. **R645-301-321.200 (SW)** By July 31, 1993 the permittee must submit, for inclusion in the PAP, a discussion of the productivity of the land in terms of average yield of forage.

5. **R645-301-322.100 (SW)** By September 30, 1993, the permittee must submit, for inclusion in the PAP, a report of the fish inventory in Icelander Creek and adjacent areas. The permittee must assist the DWR in an inventory of Icelander Creek for fish species to the Price River. Baseline transects must be established above and below the Price River, in Icelander Wash and at the discharge at the base of the refuse pile. Two Category 2 fish species, Roundtail chub and Flannelmouth sucker, are likely to be found at the Price River and Icelander Wash confluence. The Roundtail chub is likely to be listed to the Threatened and Endangered Species list. The DWR will provide a report of this inventory. A copy of the DWR report must be submitted within 10 days of receipt for inclusion in the PAP.

6. **R645-301-330 (SW)** Within 30 days of permit approval the permittee must provide a discussion, for inclusion in the PAP, as to tolerable limits of iron and TDS in water for plants, livestock, wildlife and fish and the impact of the mining operation on these limits due to the fact that the discharge at the base of the refuse pile has been identified to have exceeded standards for iron and TDS. (Note: The applicant's response to this initial deficiency was to reference to R645-301-728.317. This is not an acceptable response.)

7. **R645-301-353.120 (SW)** By July 31, 1993 the permittee must submit a re-evaluated seed mixture for inclusion in the PAP. The permittee must evaluate the seed mixture proposed for final reclamation planting after the reference areas have been sampled. The seed mixture must incorporate some of the components of the undisturbed adjacent area. This finalized seed mixture must then be submitted for inclusion in the PAP.

8. **R645-301-356 (SW)** By July 31, 1993 the permittee must submit, for inclusion in the PAP, the data, discussions, and results of the survey of the proposed reference areas.

9. **R645-301-521 (JK & HS)** By July 1, 1993 the permittee must submit, for inclusion in the PAP, accurate representations of the disturbed area within the permit area of the Sunnyside Cogeneration Associates 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. All applicable maps must be updated to depict the current and accurate configurations. (Note: There are major discrepancies between the maps in the PAP and those found in the John T. Boyd report which comprises Appendix 9. Most of the maps in the PAP are based on outdated information from the Sunnyside Coal Company PAP and, therefore, do not accurately depict the present configuration of the site.)

10. **R645-301-521.143 (JK)** By July 1, 1993, the permittee must submit, for Division approval and inclusion in the PAP, an adequate and accurate plan for the disposal of noncombustible waste. (Note: According to the John T. Boyd report, included in Chapter 9, 'Mining Plan', noncombustible waste comprises about 5% of the total pile, or 460,000 tons of material. Using the density of 3375 pounds per cubic yard given on page 3-6, there may be about 273,000 cubic yards of noncombustible material. There is no demonstration in the PAP that this volume of material will even fit into the refuse disposal facility shown on Plate 9-1a. In fact, the volume of the facility shown on Plate 9-1a is only about 217,000 cubic yards, which includes the required 4 feet of cover material.)

11. **R645-301-521.165 (JK)** By July 1, 1993, the permittee must submit, for Division approval and inclusion in the PAP, plans for the stockpiling of reclamation borrow material. The permittee plans to dispose of noncombustible waste material in the same areas from which plans are borrow reclamation cover material (see Appendix 9-1, Exhibit 1, and Plate 8-1) but there is no provision in the PAP for stockpiling the reclamation borrow material prior to disposal of the noncombustible waste. These plans must include sound estimates of the volume of the borrow material as well as designs for the storage facility or facilities into which the material will be placed.

12. **R645-301-528.100 (HS)** By July 1, 1993, the permittee must clearly substantiate the handling and disposal of waste with designs and plans to determine the quantity of topsoil necessary to reclaim the site and submit for inclusion in the PAP. The permittee states in the PAP that approximately 460,000 cubic yards of borrow material will be necessary for the reclamation of the site subsequent to the removal of the combustible refuse material. However, the permittee's representation of the quantity and location of noncombustible material and inaccessible material (below elevation 6210 ft.) is not consistently represented in the PAP. Therefore, the handling and disposal of waste must be definitively stated and substantiated with designs and plans to enable the Division to verify and determine the quantity of topsoil necessary to reclaim the mine site.

13. **R645-301-540 (JK)** By July 1, 1993, the permittee must submit, for Division approval and inclusion in the PAP, a complete, stand-alone reclamation plan for worst case scenario (worst case would occur if the site were abandoned and had to be reclaimed in essentially its present configuration) **and** final reclamation (final reclamation of the site after the full anticipated life of the operation). The reclamation plan for each scenario must be comprehensive and independent of the other. Each reclamation plan must include its own text, maps, volume estimates (including but not limited to topsoil volumes, borrow material and sedimentation pond volumes), reclamation cost estimates, drainage control plan, etc. These plans must be based on the revised maps discussed in Condition R645-301-521 (JK & HS).

14. **R645-301-542.800 (JK & HS)** By July 1, 1993, the permittee must submit for Division approval and inclusion in the PAP: 1) accurate and adequate as-built surveys of the topsoil stockpiles which must provide sufficient information to determine the volume of topsoil within each topsoil stockpile; 2) adequate and accurate mass balance calculations to show where the required borrow material is to come from and to demonstrate that there is adequate borrow material to reclaim this site [these calculations must be based on separate surveys and/or on the revised maps discussed in condition R645-301-521 (JK & HS)]; and 3) adequate and accurate substantiation of the volumes of the sedimentation ponds.

15. **R645-301-722, R645-301-732, and R645-301-742 (KW)** By July 1, 1993, the permittee must submit sediment pond designs, for inclusion in the PAP, based on an on-site survey, which includes maps with adequate contours (1-2 foot contours), cross sections including the discharge structure designs with elevations and slopes of outlet pipes, and the slopes of diversions within the permit area.

16. **R645-301-728 (KW)** The permittee must submit, for inclusion in the PAP, a copy of the U.S. Fish and Wildlife Service study and/or report concerning water loss in the Colorado River Basin within 30 days following the issuance of the study and/or report.

17. **R645-301-731.200 (KW)** Within 30 days of permit approval, the permittee must submit, for inclusion in the PAP, a schedule for each of the water monitoring sites to be sampled with a list of the parameters to be analyzed at each site and the schedule for sampling as baseline and operational parameters.

18. **R645-301-731.300 (HS)** The permittee must commit, within 30 days of permit approval, to conduct additional analyses, for the purposes of determining the acid and/or toxic and alkalinity forming potential of the existing slurry ponds and the coarse refuse pile material. The commitment must include the analysis of **all** the constituents outlined in the Division's Guidelines for the Management of Topsoil and Overburden, Table 6. The permittee must also specify the sample site locations to be selected from the forty-five refuse drill holes (Note: Drilling, logging and sampling of refuse material did occur as early as 1991. Please refer to Appendix 9-1, page 3-3) and the depth increment to be analyzed (not "Half the **available samples...**" as state on page 600-10 of the PAP).

    In addition, by no later than July 1, 1993, the permittee must submit plans and laboratory results, for inclusion in the PAP, from the above sampling of the refuse and slurry material. Plans must include a discussion of the potential for, and mitigation of, water quality impacts and/or revegetation problems attendant to the reexcavation and disposal of the coal refuse material.

19. **R645-301-731.730 (KW)** By July 1, 1993, the permittee must submit, for inclusion in the PAP, accurate and adequate maps depicting locations and elevations of all water monitoring points within the permit area of the Sunnyside Cogeneration Associates facility.

20. **R645-301-812.300 (PGL)** By July 1, 1993, the permittee must submit, for inclusion in the PAP, the reclamation cost estimate based upon accurate and adequate information provided in all applicable conditions of this permit. A revised adequate reclamation bond must be provided to the Division within 30 days of Division approval of the revised reclamation cost estimate.

Non-Federal

FINDINGS
Sunnyside Cogeneration Associates
Sunnyside Refuse and Slurry
ACT/007/035
Carbon County, Utah
February 4, 1993

The application submitted by Sunnyside Cogeneration Associates proposed to conduct mining and reclamation operations on a portion of an area presently approved under the Utah Coal Regulatory Program as permit number ACT/007/007. In the review of the Sunnyside Cogeneration Associates application, the Division of Oil, Gas and Mining Evaluated and accepted, where applicable, information from approved permit ACT/007/007 for incorporation into the Sunnyside Cogeneration Permit Application Package. The Division of Oil, Gas and Mining also required submission of additional information to respond to the changes in operations proposed by Sunnyside Cogeneration. On this basis the Division of Oil, Gas and Mining now finds:

1. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (R645-300-120). (See copy of affidavit of Publication dated November 19, 1992.)

2. Division administration premised the permit review on information contained in the current Sunnyside Coal Company PAP. Conditions of the permit reflect the fact that on-site surveys of the permit area will be conducted and completed to reflect accurate information for inclusion in the Sunnyside Cogeneration Associates PAP. (R645-300-133.100)

3. The proposed permit area is:

(a) not included within an area designated unsuitable for underground coal mining operations;

(b) not within an area under study for designated lands unsuitable for underground coal mining operations;

(c) not on any lands subject to the prohibitions or limitations of 30 CFR 761.11{a} (national parks, etc.), 761.11{f} (public buildings, etc.) and 761.11{g} (cemeteries);

(d) within 100 feet of a public road (R645-300-133.220); and

(e) not within 300 feet of any occupied dwelling (R645-300-133.220).

4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The permit application has been designed to prevent damage to the hydrologic balance in the proposed permit area (R645-300-133.400 and UCA 40-10-11{2}(c}). (See CHIA)

5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.) (R645-300-133.500). (See OSM letter dated January 22, 1993.)

6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800 and R645-300-133.600). (See letter from State History dated October 23, 1993.)

7. The applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application. (See Permit Conditions)

8. The applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302. (R645-300-133.720)

9. The applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. A 510{c} report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; Sunnyside Cogeneration Associates is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with a demonstrated pattern of wilful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act [R645-300-132 (OSMRE Relatedness Report dated February 4, 1993)].

10. The applicant has satisfied the applicable requirements of R645-302. (R645-300-133.740)

11. The applicant has filed a reclamation performance bond in the amount of $1,500,000 made payable to the Division.

Lowell P. Braxton

Lowell P. Braxton, Acting Director