

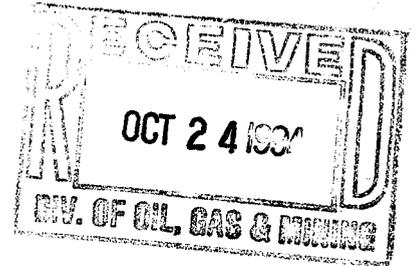
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SUNNYSIDE COGENERATION ASSOCIATES

POST OFFICE BOX 58087
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October 20, 1994

Bill Malencik
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RE: Sunnyside Cogeneration Associates (SCA) Permit No. ACT/007/035
Violation N94-26-4-1 FAILURE TO MAINTAIN DIVERSION RC-D6
Project Number EC450593

Dear Joe:

*ACT/007/035 #5
Copy [Signature]*

This letter is written to request Extension of the Design Phase for NOV No. N94-26-4-1.

Performance Standards Violation: Failure to maintain diversion shown on MRP. Sheet 7-1D designated thereon RC-D6 which reports to the Railcut Sediment Pond. Surface drainage from the spoil and non-combustible storage area. Redesign diversion RC-D6 by October 21, 1994 and Maintain and/or reconstruct diversion RC-D6 by November 30, 1994. R645-301-752.100.

SCA has been redesigning the diversion with the intent to install a structure which should meet the drainage needs in the area for several years. This structure should far exceed the requirements of R645-301. SCA wishes to reduce the potential for erosion problems in the diversion over the long term and decrease the costs associated with maintenance.

Due to the efforts needed to complete a major permit submittal to DOGM in September 1994 and to address several issues associated with the water well for the adjacent cogeneration plant, SCA has not been able to adequately evaluate the alternatives and costs associated with this diversion structure. SCA requests an extension for the design phase for NOV No. N94-26-4-1 until October 31, 1994.

Sincerely,

[Signature] FOR
David R Pearce

Authorized Member, Management Committee

[Signature] FOR
Alane E. Boyd, PE

Senior Engineer
Eckhoff, Watson and Preator Engineering

cc: Brian Burnett, CNM
Joe Helfrich, DOGM

