

Mine file

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BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

FILED

AUG 23 1994
SECRETARY, BOARD OF
OIL, GAS & MINING

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IN THE MATTER OF THE REQUEST	:	JOINT MOTION FOR
OF SUNNYSIDE COGENERATION	:	DISMISSAL BASED UPON
ASSOCIATES TO VACATE NOTICE OF	:	STIPULATION OF
VIOLATION N93-26-3-1, CARBON	:	THE PARTIES
COUNTY, UTAH	:	
	:	DOCKET NO. 94-022
	:	CAUSE NO. ACT/007/035

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The Utah Division of Oil, Gas & Mining (the "Division") and Sunnyside Cogeneration Associates ("SCA") submit this joint motion seeking dismissal of the above-entitled matter based on the following stipulation and agreement.

1. On September 28, 1993, the Division issued NOV N93-26-3-1 for SCA's failure to maintain records of AML fees as required by Utah Admin. R.645-300-147, R.645-400-221.200, and R.645-400-112.

2. Thereafter SCA appealed to the United States Department of the Interior, Office of Surface Mining ("OSM"), the issue of whether they were required to pay AML fees on the amount of coal produced from the coal refuse pile.

3. On July 27, 1994, OSM determined that SCA was not required to pay AML fees pursuant to Utah Admin. R.645-300-147.

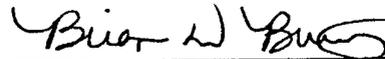
Therefore, based on the decision of OSM that AML Fees were not due at the time the NOV was written, the parties agree as follows:

1. The fact of violation of NOV N93-26-3-1 is upheld.

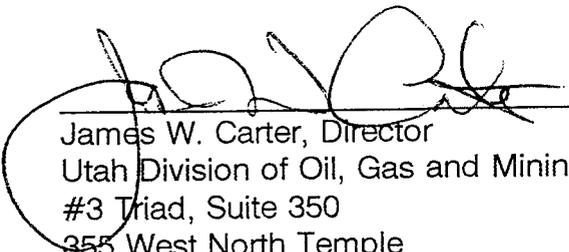
2. The proposed assessment for the NOV will be finalized at a total assessed fine of zero dollars.

Based on this stipulation and agreement, the parties jointly request the Board to dismiss this matter.

RESPECTFULLY SUBMITTED this 23^d day of August, 1994.



Brian W. Burnett
CALLISTER, DUNCAN & NEBEKER
Attorney for Sunnyside Cogeneration Associates
800 Kennecott Building
Salt Lake City, Utah 84133



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