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UNITED STATES DEPARTMENT OF INTERIOR
OFFICE OF HEARINGS AND APPEALS

* * * * *

SUNNYSIDE COGENERATION ASSOCIATES, a Utah joint venture,)	Docket No. DV 94-11-R
)	
Applicant,)	Application for Review and Temporary Relief
)	
vs.)	Notice of Violation No. 94-020-370-003
)	
THE UNITED STATES OF AMERICA, Department of the Interior, Office of Surface Mining Reclamation and Enforcement,)	Permit No. ACT\007\035
)	Carbon County, Utah
)	
Respondent.)	

* * * * *

SUNNYSIDE COGENERATION ASSOCIATES

LIST OF WITNESSES AND EXHIBITS

Sunnyside Cogeneration Associates ("SCA") hereby submits the following list of witnesses and exhibits that may be utilized in the above-mentioned proceeding in the hearing scheduled for June 15, 1994:

I. WITNESSES

- A. James W. Carter, Director of the Division of Oil, Gas and Mining ("DOGM") for the State of Utah; and
- B. Alane E. Boyd, Senior Engineer for Eckhoff, Watson and Preator Engineering.

II. EXHIBITS

- 1. Ten-Day Notice, Number: X-93-020-370-002, Date of Notice: 9/1/93, by the United States Department of the Interior;
- 2. Letter dated December 30, 1993 from SCA to DOGM amending Permit No. ACT/007/035 to include the New Access Road near the SCA power plant enclosing the following documents:
 - a. Revised Chapter Nine;
 - b. Revised Chapter Four;
 - c. Revised Plates 1-1, 4-5, 5-3, 7-1, and 7-1A;
 - d. Revised Figure 9-2, SCA Mining Process; and
 - e. Permit Application change forms.
- 3. Analysis and Findings Sunnyside Cogeneration Associates Refuse and Slurry Operations, ACT/007/035-93P, January 19, 1994, issued by DOGM;
- 4. Letter dated May 4, 1994 from DOGM to Allen D. Klein, Assistant Director Field Operations, Office of Surface Mining Reclamation and Enforcement ("OSMRE") attaching the January 19, 1994 document mentioned in number 3 above;

5. Letter dated May 16, 1994 from SCA to DOGM enclosing the following documents to amend SCA's Permit No. ACT/007/035:
 - (a) Plate 1-1 SCA Permit Area Legal Description and SCA Lease Area Boundary;
 - (b) Plate 4-5 Cogeneration Facility; and
 - (c) Plate 7-1 Hydrologic Index Map.

6. Letter dated May 20, 1994 from SCA to DOGM enclosing the following documents to amend SCA's Permit No. ACT/007/035:
 - (a) Plate 4-5 Cogeneration Facility;
 - (b) Plate 3-1, 3-1D, 3-1E, Pre-law, Post-law, & Future (Anticipated) Disturbed Areas;
 - (c) Plate 7-1A Pasture Pond and Coal Pile Runoff Basin Drainage;
 - (d) Plate 7-3 Operational (UPDES) Water Monitoring Locations;
 - (e) Plate 7-6 Ditch and Culvert Locations;
 - (f) Plate 7-18 Coal Pile Runoff Sediment Pond and Cross Sections;
 - (g) Text from Chapter Four, Chapter Seven, and Chapter Nine;
 - (h) Appendix 7-3 Hydrologic Calculations for the Coal Pile Sediment Pond;
 - (i) Appendix 7-8 Operational (UPDES) and Baseline Water Monitoring Schedule; and

(j) Table 5-1, Inspection Schedule.

7. Letter dated June 1, 1994 to SCA from DOGM granting Conditional Approval of the addition of the crusher facility and requesting additional information by June 30, 1994;
8. Notice of Violation dated June 2, 1994, issued by OSMRE to SCA for "Failure to obtain a validly issued permit for a coal processing plant in accordance with the approved Utah program." This NOV also required SCA to cease all coal processing activities by June 3, at 5:30 p.m.
9. Letter dated June 3, 1994 from SCA to DOGM with related documents responding to DOGM's June 1, 1994 letter requesting additional information;
10. Letter dated June 3, 1994 from DOGM to SCA regarding the "Approval of Additional of Crusher Facilities to Permit Area, SCA, Sunnyside Refuse & Slurry, ACT/007/035-94G, Folder #3, Carbon County, Utah";
11. Exhibit of the Permit Boundary for Permit No. ACT/007/035 showing the addition of the Crusher facilities in relation to the overall permit area; and

12. Various federal and state statutes, regulations
and directives.

DATED this 13th day of June, 1994.

By Brian W. Burnett
Brian W. Burnett

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing SUNNYSIDE COGENERATION ASSOCIATED LIST OF WITNESSES AND EXHIBITS was mailed or faxed on this 13 day of June, 1994 to the following:

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U.S. Department of Interior
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