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March 15, 1994

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TO CALL WRITER DIRECT

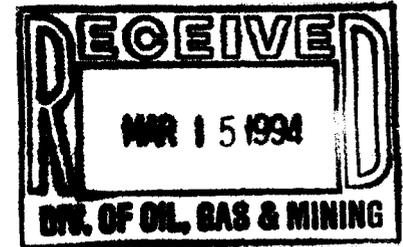
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HAND DELIVERED

Joe Helfrich  
Utah Coal Regulatory Program  
Division of Oil, Gas and Mining  
State of Utah  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203



Re: Proposed Assessment for State Violation #N93-32-8-1,  
Sunnyside Cogeneration Associates ("SCA"), ACT/007/035  
Carbon County, Utah

Dear Joe:

Pursuant to your letter and proposed assessment in the above entitled matter, dated February 14, 1994, SCA hereby informally appeals the fact of the above violation and/or the proposed penalty assessment for this violation pursuant to Utah Admin. Code R645-401-700.

SCA states as follows:

1. On December 6, 1993, State Violation #N93-32-8-1 was issued to SCA related to a November 17, 1993 inspection by DOGM inspector Henry Sauer. The inspection indicated there was a discharge of total suspended solids ("TSS") in excess of the daily maximum limit of 70 mg/L allowed in SCA's UPDES Permit, # UT 0024759, at discharge point 004.
2. In 1992, while Sunnyside Coal Company ("SCC") was the permittee and operator of the area, SCC cleaned slurry pond #2 and inadvertently destroyed the filter built into the slurry pond. In the spring of 1993, SCC also cleaned out slurry pond #1 and severely damaged its filtering dike. Both of these dikes were replaced with material unsuitable for filtering; the net effect of these two actions, conducted by SCC pursuant to its permit authorization, caused the filtering actions of the slurry ponds to become ineffective.

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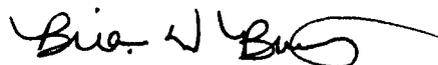
3. The result of the actions by SCC was that the Clear Water Pond filled with sediment and the filtering action of the ponds became ineffective.
4. When SCA became aware of the problem, it immediately took actions to correct the above mentioned problems. You have noted in your letter that we have taken five steps to alleviate any potential problems.
5. The Division of Water Quality has closely monitored the situation and has approved SCA's actions. The Division of Water Quality is the appropriate agency to regulate water discharge issues from approved UPDES locations.

Pursuant to the above information, SCA requests an informal conference and/or assessment conference regarding the above issues.

Thank you for your cooperation in this regard. If you have any questions, please feel free to contact me.

Very truly yours,

CALLISTER, DUNCAN & NEBEKER



Brian W. Burnett

BWB/mcm  
cc: David Pearce  
Alane Boyd  
Jim Carter ✓