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ECKHOFF, WATSON and PREATOR ENGINEERING

Engineering • Environmental Science • Surveying • Construction Administration

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Associates

Frederick C. Duberow, PE
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Douglas L. Gilmore, PE

February 16, 1994

FEB 28 1994

Mr. Randy Harden
Division of Oil, Gas and Mining
3 Triad Center - Suite 350
Salt Lake City, UT 84180-1203

RE: Project No. EC450593: Sunnyside Cogeneration Associates - Additional Copies

Dear Randy,

ACT/007/035 # 2

As requested, enclosed are additional copies of specific items for the Sunnyside Cogeneration Associates Permit Application. The following items are included:

- Plate 6-1, Topographic Map Showing Borehole Sample Locations, Sunnyside Mine Refuse Area (1 copy)
- Figure 7-1, Appropriation Certificate of East Carbon City Water Well (3 copies)
- Figure 7-2, Underground Water Rights Search (3 copies)
- Appendix 9-4, Storage Area One Soil Sample Testing Results (3 copies)

You also requested copies of Figure 3-3, OSM Determination of Federal Action. SCA is unable to supply this item due to the fact that it was never received at our office. If you need additional information, please do not hesitate to call.

Sincerely,

AEB for
David Pearce
Authorized Member, Management Committee

Alane E. Boyd
Alane E. Boyd, P.E.
Senior Engineer

Enclosure

cc: Brian Burnett, CDN

AEB:jws
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submitted. DOGM has previously proposed a fine regarding this NOV by your letter dated November 30, 1993.

Subsequently, SCA determined to include the access road in its permit boundary and requested a change to SCA's PAP to include the access road. On January 21, 1994, DOGM terminated NOV N93-13-1-1 because the plans and designs provided by SCA were found to be sufficiently complete and adequate to meet the abatement requirements of this violation.

SCA has been responsive to the inquiries of DOGM and believed that an extension for this NOV had been given to SCA before the Cessation Order was issued. SCA has included the access road in question, even though SCA believes that this boundary extension was unnecessary. It is unfair to penalize SCA, who thought that it had an extension and is making every effort to comply with DOGM requirements, with additional costs that the project cannot afford. Therefore, SCA respectfully requests that the fact of the violation be vacated and that SCA receive no fine for this Cessation Order.

2. C93-13-2-1

This Cessation Order was issued by DOGM because DOGM felt that SCA had not adequately responded to the Notice of Violation N93-32-5-2, 1 of 2. As you know, this NOV was issued for failure to place in a controlled manner and/or treat acid-forming material, namely the Old Coarse Refuse Road. Information was provided on December 2, 1993 regarding work done on the Old Coarse Refuse Road issue. SCA believed that this information was sufficient to allow for an extension for dealing with the Old Coarse Refuse Road.

The Board of Oil, Gas & Mining approved the use of coarse refuse on the Old Coarse Refuse Road in the early 1980's. Removal of the coarse refuse is a significant project and one with which SCA is still grappling. Because the coarse refuse has been in place for several years, and because the cost to remediate the problem is significant, and also because SCA was evaluating alternatives for dealing with the Old Coarse Refuse Road, it is unfair that the extension was not granted. A fine for failing to resolve within 75 days a problem that has existed for approximately 15 years penalizes the very entity, SCA, that is working to resolve the problem. It would be more fair to fine the Board of Oil, Gas & Mining and DOGM for allowing this material to be used in the first place. SCA respectfully requests that this fine be vacated.

Joseph C. Helfrich
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I have enclosed copies of various documents mentioned above for your convenience. 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

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C93-13-1-1

CALLISTER, DUNCAN
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February 15, 1994

*OK REC'D 2/22/94
No Signature
on this
cover letter*

FEB 16 1994

HAND DELIVERED

Joseph C. Helfrich
Division of Oil, Gas & Mining
State of Utah
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Proposed Cessation Order Assessment for State Violation Nos.
C93-13-1-1 and C93-13-2-1, Sunnyside Cogeneration Associates,
ACT/007/035, Folder #5, Carbon County, Utah

Dear Joe:

Sunnyside Cogeneration Associates ("SCA") appeals the fact of the above mentioned violations and/or appeals the proposed penalty assessments you set forth in your letters dated January 13, 1994. SCA states as follows:

1. C93-13-1-1

This Cessation Order was issued by the Division of Oil, Gas & Mining ("DOGM") because DOGM felt that SCA had not adequately responded to the Notice of Violation N93-13-1-1. This NOV dealt with whether or not SCA's crushing facilities and access road should be included within SCA's permit boundary. I provided information to Lowell Braxton by letter dated October 7, 1993 regarding this issue. On December 2, 1993, I provided additional information by letter to Jim Carter regarding the permit boundary issue. I believed that this information was sufficient for DOGM to extend the time frame for compliance for this matter. Without further communication to me regarding this issue, DOGM issued the Cessation Order C93-13-1-1.

On December 8, 1993, SCA provided additional information to DOGM for consideration regarding this issue. The Cessation Order was terminated on December 9, 1993 after the information had been