



MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name SUNNYSIDE COGENERATION ASSOCIATES

Mailing Address P.O. BOX 58087 SLC, UT 84158-0087

State Permit No. ACT-007-035

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 93-40-5-9#1 dated AUGUST 17, 19 93.

Cessation Order No. C _____ dated _____, 19 _____.

Part _____ of _____ is modified as follows: THE PORTION OF THE OPERATION TO WHICH THE NOTICE APPLIES IS ONLY THE UNRECLAIMED PORTION OF THE THIRD LIFT.

Reason for modification is THE PERMITTEE HAS PLANNED TO MINE THE FIFTH LIFT AS EVIDENCED BY CORRESPONDENCE DATED 9/15/93 PAGE 4(ATT) AND CHAPTER 9

Part _____ of _____ is modified as follows: SECTION 9.9.2.1 PAGE 900-19 OF THE PROPOSED RECLAMATION PLAN DATED 12/30/93 (ATT. ALSO)

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of service/mailling 4/13/94 Time of service/mailling 3:00 a.m. p.m.

Date of inspection AUGUST 4, 5, 10 + 11 1993

DAVID PEARCE
Permittee/Operator representative

RESIDENT AGENT FOR PERMITTEE
Title

MAILED FROM D.O.G.M. OFFICE
Signature

JOSEPH C. HELFRICH
Division of Oil, Gas & Mining

REGULATOR / PROGRAM COORDINATOR
Title

Joseph C. Helfrich
Signature

SECTION TWO: VIOLATIONS

The following section outlines information contained in this submittal that refers directly to the requirements of NOV's that were issued on August 17, 1993. Violations that have not been previously abated and/or are due on or before September 15, 1993 are addressed.

VIOLATION 1 of 9 - Failure to Perform Contemporaneous Reclamation

Response: SCA submitted a letter to DOGM on August 24, 1993 discussing the plans for contemporaneous reclamation for the coarse refuse lifts. The letter referred to Chapter Nine, page 900-11, for a discussion on contemporaneous reclamation planned for the SCA Permit Site. As stated in the letter, contemporaneous reclamation will be employed on the third lift of the coarse refuse pile. No other contemporaneous reclamation will occur due to the fact that the coarse refuse is planned to be mined in the near future for use at the cogeneration facility.

VIOLATION 2 of 9 - Failure to conduct coal mining and reclamation operations in accordance with the approved plan

Response: Chapter Nine of the PAP has been updated to include a plan for the utilization of three storage areas which will be utilized for both fine and coarse refuse. Sections 9.6.3 and 9.11.4 discuss the necessary preparation of the three storage areas, drainage control, capacity and general usage. Plate 9-2 shows the detailed design of these areas. Hydrologic calculations are included in Appendix 7-3 for the Pasture Pond Drainage area which incorporates the Storage Areas.

VIOLATION 3 of 9 - Failure to maintain the fence around the revegetation test plot

Response: This violation has been abated, therefore, it is not specifically addressed in this submittal.

VIOLATION 4 of 9 - Failure to design appropriate sediment control measures

Response: Chapter Seven of the included submittal has been updated to include sediment control measures for the required topsoil piles. Appendix 7-7 includes detailed hydrologic and sedimentation calculations concerning the topsoil piles and berm details for each pile.

VIOLATION 5 of 9 - Failure to classify each road

Response: New Plates 5-8A, 5-8B, and 5-8C have been incorporated into Chapter Five of the enclosed PAP. The plates show road classifications and typical cross sections for various sections of the roads, respectively. The text has also been updated to reflect these changes.

9.9.2.1 INTERIM RECLAMATION OF THE THIRD LIFT OF THE COARSE REFUSE PILE

Revegetation on all land that is disturbed by coal mining and reclamation operations will occur as contemporaneously as practicable with mining operations, except when such mining operations are conducted in accordance with a variance for combined SURFACE and UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES issued under R645-302-280. During the life of SCA operations, interim reclamation will be accomplished as necessary or as required by the Division. Cover material will be obtained from an approved borrow material site and the depth of cover will be approved by DOGM prior to conducting contemporaneous reclamation.

Presently, the only area requiring interim reclamation is the third lift of the coarse refuse pile. The Division has approved SCA's plan to cover the remaining portion of the third lift with two (2) feet of borrow material. The material in the designated Noncombustible Waste Disposal Site was previously approved by DOGM to use as borrow material, therefore, SCA will utilize this material to cover the remainder of the third lift. There are approximately two (2) acres remaining to be covered which will require a maximum of 6,500 cubic yards of material.

Revegetation will be accomplished in accordance with R645-301-353. The Interim Seed Mixture (Figure 9-1) will be utilized for interim reclamation of the third lift. Erosion and sediment control will consist of slope stabilization using 16-16-8 fertilizer at a rate of 313 pounds per acre and wood fiber mulch at a rate of one (1) ton per acre.

9.9.3 SEEDING AND PLANTING

All seeding will be done during the fall of the year of reclamation in order to maximize revegetation success. It should be noted, however, that seeding using the interim seed mixture may occur during other seasons if needed to control erosion or soil degradation.

The seed mix, application rate, and seeding techniques are based on reclamation experience in the area, as well as on consideration of local environmental conditions of soil, slopes, elevation, and precipitation. Use of this seed mix will result in a rapidly established and effective vegetation cover capable of minimizing erosion and meeting the goals of the reclamation program. The seed mix proposed for use in final reclamation, shown on Plate 10-1, is designed to reestablish a wildlife vegetative type and will be planted throughout the disturbed area. This proposed seed mix contains species well adapted to the area, and will produce a diverse, effective vegetation cover capable of self-regeneration.

Seed availability will determine the ultimate seed mixture and variety of seed used. If a variety of seed is not available, DOGM will be notified and additional seed of one of the seeds listed or another species or variety will be substituted upon approval by DOGM so that the final PLS per acre is equivalent to the proposed mix.

During final reclamation, the seed mixture will be placed by either hydroseeding or by broadcast seeding, depending upon the slope. On steep slopes where equipment cannot be safely operated, the seed will be broadcast.

The final reclamation plans is designed to provide successful reclamation when compared with the current condition of the two reference area. It is anticipated the required live shrub stem density can be achieved from the shrub seed currently in the seed mix.