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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

DOGM SLIC ROUTING
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April 11, 1996

Ken Rushton
Trustee
PO Box 212
99 West Main, #202
Lehi, Utah 84043

Danny Mattingly
General Manager
Sunnyside Cogeneration Associates
PO Box 10
East Carbon Utah 84520

RE: Slurry Cells #1 & #2 and Contiguous Slurry Ditch Lying Within Sunnyside Cogeneration Associates Permit, ACT/007/035, Folder #2, Carbon County, Utah

Dear Mr. Rushton and Mr. Mattingly:

I am writing you about Sunnyside Cogeneration Associates and Sunnyside Coal Company's DOGM permitted slurry cells #1, #2, and the contiguous slurry ditch. This letter only concerns slurry cells #1, #2 and that portion of the slurry ditch lying within the Co-Gen DOGM permit area. The purpose of this letter is to start formal action to decommission slurry cell #1 and #2 and contiguous slurry ditch as described herein.

The facts in my possession in addition to other information are as follows:

- (1) The Sunnyside Coal Company Wash Plant that generates coal slurry is no longer in operating condition. In fact, it has under gone demolition and salvage. The only remnant is a concrete support structure.
- (2) The slurry ditch, slurry cell #1, and slurry cell #2 do not and can not serve the purpose for which they were designed and constructed, since the wash plant has been demolished.
- (3) Sunnyside Coal Company and Sunnyside Cogeneration Associates hold individual DOGM permits on slurry cell #1, slurry cell #2, and contiguous slurry ditch. Also, an operating agreement between the two permittees is of record. However, this in my opinion should not be an impediment to this decommissioning project.

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- (4) Currently disturbed runoff and sediment near the southerly portion of the Sunnyside Train Loadout coal pile is draining into the slurry ditch. The slurry ditch and the slurry cells #1 and #2 were not designed as sediment conveyance and storage facilities.
- (5) In light of (1) and (2), preliminary discussions have taken place with Sunnyside Cogeneration about decommissioning slurry ditch, slurry cell #1, and slurry cell #2 lying within their permit area. Slurry cell #1 and slurry cell #2 have been cleaned of coal fines. Segments of the slurry ditch still needs to be cleaned.
- (6) Informal discussions with EWP/Sunnyside Cogeneration officials have taken place as related to reclaiming contiguous areas that are not needed for active surface mining operations adjacent to the aforementioned slurry cells.
- (7) Utah Coal Law, Title 40, Chapter 10, Paragraphs 40-10-17-(p) and implementing coal rules such as R645-301-541.300, in addition to other rules, provide for contemporary reclamation when active operations cease.

The purpose of this letter is to provide both of you information and notice that it is my intention to move forward under the Utah Coal Rules to decommission slurry cell #1 and #2 and contiguous slurry ditch in the Co-Gen portion of the permit area this field season.

However, before initiating formal action wanted to provide you the opportunity to identify any impediments from your point of view concerning this decommissioning project. Appreciate your usual thorough and prompt written reply.

Sincerely,



Wm. J. Malencik
Reclamation Specialist

sd

cc: Tom Mitchell, AG
DOGM/SLC
Brian Burnett, EWP, Attorney at Law