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UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

98

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Cogeneration Associates

Mailing Address P.O. Box 10, East Carbon, UT 84520

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 97-26-4-1 dated June 11, 1997.

Cessation Order No. C N/A, dated _____, 19____.

Part 1 of 1 is modified as follows: Abatement item #1 extended from 7/26/97 to August 11, 1997; item #2 from 8/26/97 to

Reason for modification is September 9, 1997.

See attached letter on extensions wherein the

Part of is modified as follows: request exceeds an abatement of 90 days or more. Effective date of the extension

Reason for modification is 7/25/97.

Part _____ of _____ is modified as follows: _____

Date of service/ mailing July 30, 1997

Time of service/ mailing 4:00 a.m. p.m.

Date of inspection June 11, 1997

Harold C. Sallas
Permittee/Operator representative

General Manager
Title

Mailed
Signature

Wm. J. Malencik
Division of Oil, Gas & Mining

Rec. Spec.
Title

Wm. J. Malencik
Signature
7/25/97



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

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 (801) 538-5340
 (801) 359-3940 (Fax)

gh

July 30, 1997

Harold Sallas
 General Manager
 Sunnyside Cogeneration Associates
 PO Box 10
 East Carbon UT 84520

RE: Abatement Time Extension, NOV97-26-4-1, Sunnyside Cogeneration Associates, Sunnyside Refuse and Slurry, ACT/007/035, Folder #5, Carbon County, Utah

Dear Mr. Sallas:

This letter has reference to your recent timely telephone call and letter requesting the third extension on Notice of Violation N97-26-4-1. Attached is your approved extension.

The initial NOV and extension now covers a 90 day time period. Please refer to referenced coal rules cited below for guidance should you require additional future extensions. Your justification and timely request for the extension was approved effective July 25, 1997. I can fully appreciate that the final abatement rests with MSHA to prepare the authorizing documents. You have no control over this date. However, hope you can use this letter and the coal rules cited below together with other information to strengthen your request to MSHA for a suitable closure date on this matter.

The Utah Coal Rules are more stringent on requests for and approving extensions 90 days from the date of the NOV. Please refer to the following citations in the Coal Rules.

- R645-400-324 90 day limitation on NOV abatement/extensions
- R645-400-327-100, -200, -300, -400 Four circumstances which may qualify for extensions more than 90 days.
- R645-400-328-100, -200, -300, -400 Allied information including the Director or designee who will act on the extension in excess of 90 days.
- R645-401-420 Failure to abate NOV within designated period provides for a civil penalty of not less than \$750.00 per day.



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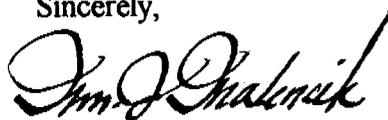
H. Sallas

Abatement Time Extension

July 30, 1997

Hope this information will be helpful. As the old saying, "an ounce of prevention is worth a pound of cure." My motive is prevention by pointing out and making you aware of applicable coal rules. Would suggest you discuss, well in advance, the need for any further extension with Mr. Helfrich in order to avoid a civil penalty should you not be in a position to meet the abatement dates cited in the attached extension.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wm. J. Malencik".

Wm. J. Malencik
Reclamation Specialist

sd

Enclosure

cc: Joe Helfrich, DOGM, SLC



JX

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Sunnyside Cogeneration Associates

Mailing Address PO Box 10, East Carbon, UT 84520

State Permit No. Act 0071035

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

Notice of Violation No. N 97-26-4-1 dated June 11, 19 97

Cessation Order No. C N/A dated _____, 19 _____

Part 1 of 1 is modified as follows: Abatement item #1 extended

from 7/11/97 to 7/26/97; item #2 from 8/11/97 to

Reason for modification is 8/26/97. This is the third approved extension. The reasons for the extension concerns

Part _____ of _____ is modified as follows: jurisdiction and liability issues

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

Date of ~~service~~ mailing July 11, 1997

Time of service/mailing 4 a.m. p.m.

Date of inspection June 11, 1997

Harold C. Sallas
Permittee/Operator representative

General Manager
Title

Mailed
Signature

Wm. J. Malencik
Division of Oil, Gas & Mining

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