



NO. N04-49-3-1

notice of violation

To the following Permittee or Operator:

Name SUNNYSIDE COGENERATION ASSOCIATION

Mine STAR POINT WASTE FUEL (REFUSE)  Surface  Underground  Other

County CARBON State UTAH Telephone (435) 888-4476

Mailing Address P.O. BOX 159, SUNNYSIDE UTAH 84539

State Permit No. C/007/042

Ownership Category  State  Federal  Fee  Mixed

Date of inspection FEBRUARY 25, 2004

Time of inspection 10:30  a.m.  p.m. to 1:00  a.m.  p.m.

Operator Name (other than Permittee) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining** is  is not  expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

CERTIFIED MAIL FAXED  
7001 0320 0005 4591 8081

Date of service/ mailing FEBRUARY 26, 2004 Time of service/ mailing 12:10  a.m.  p.m.

RUSTY NETZ  
Permittee/Operator representative

ENVIRONMENTAL COORDINATOR  
Title

mailed / FAXED  
Signature

KARL R. HOUSKEEPER  
Division of Oil, Gas & Mining representative

ENVIRONMENTAL SCIENTIST III  
Title

Karl R. Houskeeper  
Signature

#49  
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

**IMPORTANT — READ CAREFULLY**

**1. PENALTIES.**

a. **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the Division of Oil, Gas & Mining will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be finalized unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violations within the time set for abatement or for meeting any interim step, you will be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring you to cease surface coal mining operations or the portion of the operations relevant to the violation.

**2. INFORMAL PUBLIC HEARING.**

An informal public hearing may be held at or near the mine site if this notice requires cessation of mining, expressly or in practical effect. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice

requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it. (See UMC/SMC 845-15(a))

If this notice requires cessation of mining, it will expire within 30 days from date you are notified unless an informal public hearing is held or waived, or the condition, practice or violation is abated within the 30-day period. You will be notified of date, time and location of hearing.

**3. FORMAL REVIEW AND TEMPORARY RELIEF.**

You may apply for review of this notice or assessment before the Board of Oil, Gas & Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary  
Board of Oil, Gas & Mining  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in UMC 845.19 of the board's regulations.

**4. EFFECT ON PERMIT.**

The permit may be suspended or revoked if it is determined that a pattern of violations of the act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Section 40-10-20, 21, 22 and 23, *Utah Code Annotated*, UMC/SMC Parts 843, 845, 900 or contact the Division of Oil, Gas & Mining at (801) 538-5340.

8645-400-350 et seq

8645-401-300 et seq

8645-400-300 et seq  
8645-401 et seq



### NOTICE OF VIOLATION NO. N 04-49-3-1

Violation No. 1 of 1

Nature of violation

FAILURE TO FOLLOW THE MINING METHODS/OPERATION PLAN IN THE APPROVED (MRP) MINING AND RECLAMATION PLAN (CUTTING INTO THE TEE OF THE PILE). IMPROPER MINING METHODS RESULTING IN EXCESSIVE HIGHWALLS. APPROXIMATELY 20' OF CONSOLIDATED MATERIAL. APPROXIMATELY 80'-100' OF UNCONSOLIDATED MATERIAL OVERLYING THE CONSOLIDATED MATERIAL.

Provisions of act, regulations or permit violated

RG45-301-523 RG45-300-142  
RG45-301-528, 322 UMC 40-10-17(1)  
RG45-301-536, 210  
RG45-301-536, 220  
RG45-301-560

Portion of operation to which notice applies

MINING OPERATIONS AT THE STAR POINT REFUSE PILE  
MINING OPERATION PLAN  
SAFETY OF THE PUBLIC

Remedial action required (including any interim steps)

HIGHWALL WAS ELIMINATED AND PUT BACK TO A SAFE SLOPE BEFORE CONCLUSION OF THE INSPECTION.

- 1. FOLLOW THE MINING METHODS/OPERATION PLAN LISTED IN THE APPROVED MRP.
- 2. IDENTIFY ROAD ACCESSSES AT BASE OF PILE. SUBMITT PLANS THAT INCLUDE MEASURES TO PROTECT THE PUBLIC AND PREVENT MATERIALS FROM TRACKING ONTO THE PUBLIC ROAD (LEAVING PERMIT AREA).

Abatement time (including interim steps)

BY MARCH 26, 2004