



# 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)  
801-538-7223 (TDD)

DRAFT ONLY

May 29, 1997

TO: Mary Ann Wright, Associate Director

FROM: J. Randall Harden, Sr. Reclamation Engineer

RE: Sunnyside Mine, Alternative Postmining Land Use Proposal, Covol Technologies, Sunnyside Mine, ACT/007/007, Folder #2, Carbon County, Utah

## INTRODUCTION

The Division of Oil, Gas and Mining (Division) has received, on May 23, 1997, and reviewed the information submitted by Covol Technologies (Covol) in expressing their interest in the Sunnyside Mine main facilities area. This information provided by Covol as a result of meetings and discussions between Covol and Division where Covol had expressed interest in utilizing the main surface mining facilities for the Sunnyside Mine. Retention of structures and facilities used in conjunction with the mining operations and the development of the site as industrial, is considered an alternative postmining land use under the state coal regulatory program.

Covol was requested to submit information to the Division which would address the program requirements to approve an industrial postmining land use as a variance as allowed for under the coal regulatory program. This variance provides an alternative to the statutory requirements to reclaim the areas affected by mining to their pre-mining land use condition.

## FINDINGS

In consideration of the information presented by Covol Technologies expressing their interest to retain certain structures and facilities as an alternate industrial land use, the Division finds that inadequate information was provided by Covol to approve a variance for an alternative postmining industrial land use.

Accordingly, the Division will continue to prepare designs and effect reclamation construction of the site which approximates the pre-mining land use condition to the extent possible, using such funds as are available to the Division for that purpose.

## DRAFT ONLY

May 29, 1997  
Page 2 of 6

### SUMMARY OF INFORMATION PROVIDED BY COVOL

Covol Technologies proposes plans on using the main surface facilities area of the Sunnyside Mine as an industrial briquetting and iron producing factory. The operation involves the combining of coal fines and iron rich materials in a binding and briquetting process. The briquettes are then fired in an arc furnace to produce iron. By-products from the process include bag house dust and slag.

Covol intends on using existing structures and facilities within the mine facilities area to construct a pilot facility to demonstrate and refine their process. Currently, the plan includes the installation of a five ton electric furnace used in conjunction with the briquetting process to produce approximately 30,000 tons of (pig) iron per year.

Exhibit A, included in the information provided by Covol, lists the structures and facilities within and surrounding the main mine facilities area and briefly indicates which structures they would like to use or have removed from the facilities area.

Exhibit B is a rough sketch indicating the extent of the general site area which Covol intends on using during their operations.

Exhibit C is a brief description of the intended use for some of the facilities, equipment necessary for the pilot plant, and a discussion of the process. A second rough sketch is also provided and entitled, "COVOL SITE PLAN".

Exhibit D is a narrative on the company history and background.

Exhibit E, is an excerpt from an unreferenced document which further describes the technology proposed to be used by Covol Technologies.

Additional information provided includes a copy of their Form 10-K annual report for the period ending September 30, 1996, several press releases, and shareholder's reports.

### ANALYSIS

Insufficient information has been presented in the plan proposed by Covol to assess and approve the intended postmining industrial land use. While the concept of using the site for the type of industrial use as described in the proposed appears feasible, no detailed information was presented in the plan nor were any commitments made in the proposal to ensure that the postmining land use would be achieved.

## DRAFT ONLY

May 29, 1997  
Page 3 of 6

No information was presented in the submittal indicating the ownership or the consent of the landowners to be affected by the proposed industrial land use.

Plans and other information provided were inadequate to determine their affect on the reclamation requirements within the area for which the alternate postmining land use variance was requested. Design information and other details describing how the existing structures and facilities would be modified or reconstructed to meet their intended postmining land use.

Due to the inadequacy of the proposal, detailed comments or specific requirements which would be necessary for approval of the the proposal have not been provided. Rather, an outline of those requirements have been presented as follows:

### REQUIREMENTS FOR APPROVAL OF ALTERNATE POSTMINING LAND USE

The following information outlines the criteria necessary in evaluating and for approval of an alternate postmining land use. Due the circumstances related to the bankruptcy and bond forfeiture, certain provisions, design standards and performance standards required under the Utah coal regulatory program may not be required or applicable in order to approve an alternate postmining land use. However, many of the elements of those requirements must be met in order to achieve satisfactory reclamation standards and meet the intent of SMCRA.

#### Land Use Plans and Programs

A detailed description of the proposed postmining land use plan will include a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses, and the relationship of the proposed use to existing land use policies and plans. The plan will explain how the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use. The plan will provide a detailed a detailed drawing(s) of the area in which a variance is requested showing the location, extent and use of all features and facilities necessary to implement the proposed alternative land use plan. A detailed timetable of the events necessary to implement the alternative land use plan should also be provided.

Where a land use different from the premining land use is proposed, all materials needed for approval of the alternative use under R645-301-413.100 through R645-301-413.334, R645-302-270, R645-302-271.100 through R645-302-271.400, R645-302-271.600, R645-302-271.800, and R645-302-271.900 should be met.<sup>1</sup>

---

<sup>1</sup>Reference to SMCRA, the ACT, and the Utah Coal Mining Rules made in this summary are provided only to the extent as necessary to provide information for approval of an alternate postmining land use and are not intended as a requirement be the Division to seek or obtain

## DRAFT ONLY

May 29, 1997  
Page 4 of 6

The consideration which has been given to making all of the proposed coal mining and reclamation operations consistent with surface owner plans and applicable Utah and local land-use plans and programs.

### Criteria for Alternative Postmining Land Uses

Higher or better uses may be approved by the Division as alternative postmining land uses after consultation with the landowner or the land management agency having jurisdiction over the lands, if the proposed uses meet the following criteria:

- There is a reasonable likelihood for achievement of the use;
- The use does not present any actual or probable hazard to public health or safety, or threat of water diminution or pollution; and
- The use will not:
  - Be impractical or unreasonable;
  - Be inconsistent with applicable land-use policies or plans;
  - Involve unreasonable delay in implementation; or
  - Cause or contribute to violation of federal, Utah, or local law.

### Engineering

The proposed design plan for the variance will be prepared and certified by a registered professional engineer and will also meet the following requirements:

The highwall will be backfilled with spoil material, in a manner which results in a static factor of safety at least 1.3, using standard geotechnical analysis; and

Only the amount of spoil as is necessary to achieve the postmining land use, ensure the stability of spoil retained on the bench, and meet all other requirements of the Act and R645 Rules will be placed on the mine bench. All spoil not retained on the bench will be placed in a manner which results in a static factor of safety of at least 1.5, using standard geotechnical analysis.

### Suitability and Compatibility.

Assure that final fills containing excess spoil are suitable for reclamation and revegetation and are compatible with the natural surroundings and the approved postmining land use.

### Land Owner and Surface Manager Comments

---

permit approval as indicated in the rules.

D R A F T   O N L Y

May 29, 1997  
Page 5 of 6

The description will be accompanied by a copy of the comments concerning the proposed use by the legal or equitable owner of record of the surface of the proposed permit area and Utah and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

The surface landowner of the lands within the permit area has knowingly requested, in writing, that a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential or public use (including recreational facilities). The request will be made separately from any surface owner consent given for permitted mining operations and will show an understanding that the variance could not be granted without the owner's request;

The proposed alternative post mining reclamation plan will be accompanied by a copy of the comments concerning the proposed use by the legal or equitable owner of record of the surface of the proposed permit area and Utah and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

#### Division Requirements for Approval

A variance for an alternate post mining land used can be approved only if the Division finds, in writing, that the applicant has demonstrated, on the basis of a complete application, that the following requirements are satisfied:

The alternative postmining land use requirements meet safety standards for stability and safety for fills, slopes, highwalls and mine openings;

All applicable requirements of the State Program, other than the requirements to restore disturbed areas to their appropriate original contour are met;

After consultation with the appropriate land use agencies, if any, the potential use is shown to constitute an equal or better economic or public use. The postmining land use for land that has been previously mined and not reclaimed will be judged on the basis of the land use that existed prior to any mining: provided that, if the land cannot be reclaimed to the land use that existed prior to any mining because of the previously mined condition, the postmining land use will be judged on the basis of the highest and best use that can be achieved which is compatible with surrounding areas and does not require the disturbance of areas previously unaffected by mining.;

Federal, Utah and local government agencies with an interest in the proposed land use have had an adequate period of time in which to review and comment on the proposed use;

DRAFT ONLY

May 29, 1997  
Page 6 of 6

After reclamation, the lands to be affected by the variance within the permit area will be suitable for an industrial, commercial, residential or public postmining land use (including recreational facilities);

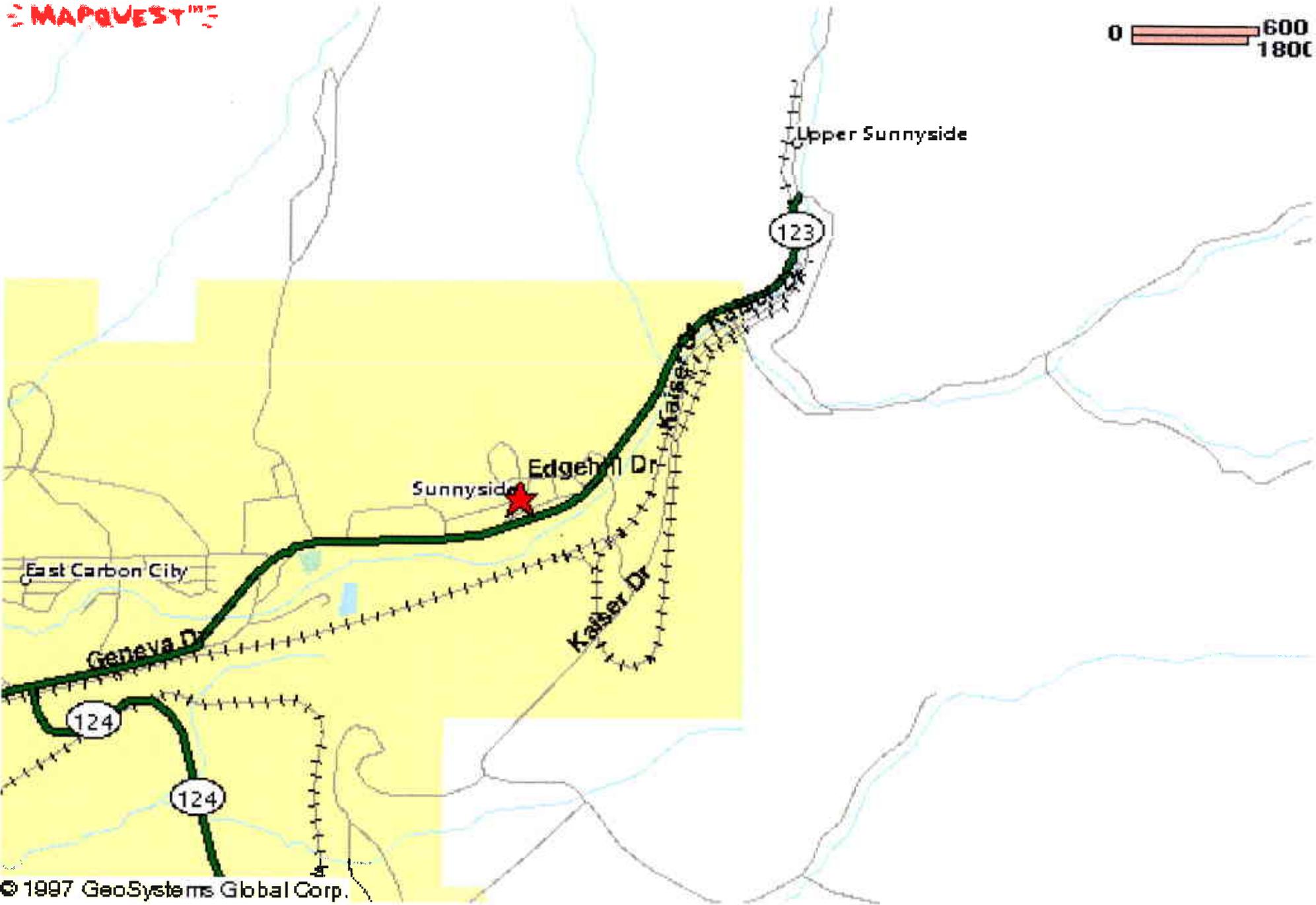
The watershed of lands within the proposed permit and adjacent areas will be improved by the coal mining and reclamation operations when compared with the condition of the watershed before mining or with its condition if the approximate original contour were to be restored. The watershed will be deemed improved only if:

The amount of total suspended solids or other pollutants discharged to ground or surface water from the permit area will be reduced, so as to improve the public or private uses or the ecology of such water, or flood hazards within the watershed containing the permit area will be reduced by reduction of the peak flow discharge from precipitation events or thaws; and

The total volume of flow from the proposed permit area, during every season of the year, will not vary in a way that adversely affects the ecology of any surface water or any existing or planned use of surface or ground water.

Interpretation of the requirements for approval of an alternative postmining land use, may be met by requesting approval through the permit revision procedures and subject to public notice and comment procedures as provided in R645-300-120 through R645-300-155 and R645-300-200.

O:\007007.SUN\DRAFT\COVOL.WPD



Copy *[Signature]* Sun Advocate / April 15, 1997

# Sunnyside council updates city's zoning ordinance

By MELONEY RIGBY  
Staff writer

During the regular Sunnyside council meeting Monday evening, officials approved an updated city zoning ordinance.

Ordinance 87-97 implements regulations establishing minimum front, side and rear yard requirements for residential structures located within Sunnyside's city limits.

In addition, the guidelines regulate the use of land for commercial or industrial purposes; regulate the erection, construction, reconstruction or alter-

ation of any building or structure used or to be used for any commercial or industrial purposes; and provides for the enforcement of the regulations.

The intent of the council, through adoption of the ordinance, is to utilize the powers granted under Utah Code in a manner to promote the health, safety and general welfare of the community and facilitate orderly growth and development in Sunnyside.

The location requirements for residential and residential accessory structures include the following:

All dwellings and accessory structures shall be set back not less than 25 feet from any property line which abuts upon a public street.

All dwellings shall be set back at least six feet from side lot property lines. Where a carport is attached to a dwelling, there will be no minimum side setback required for the carport side, provided the accessory structure remains open and no drainage from the roof will be discharged on the adjacent lot.

All dwellings shall be set back from the rear property line a distance of not less than 15 feet.

All residential accessory buildings shall be set back from side and rear property lines the same as for a dwelling. No minimum distances are required when the accessory building is located to the rear of the rear most portion of the dwelling and no drainage will be discharged onto an adjacent lot.

The zoning ordinance establishes standards and procedures for the design, approval and construction of commercial or industrial structures and projects within the city.

The requirements are applicable to any structure or area

to be used for the following purposes:

The sale, repair, display or storage of commodities or services provision to a party other than the owner of the structure.

The manufacturing, compounding, processing, fabrication or warehousing of goods or materials, including:

The storage, loading or processing of earth products.

Electric power generation facilities.

Facilities for raising, storing or processing agricultural products, excluding fruit or crops in the field.

Applications on proposals for developing projects covered in the ordinance should include:

A description of the activities to be performed.

A plan showing the locations of existing and proposed structures, driveways, parking areas, fences, walls, landscape areas, utility systems, outside storage facilities or disposal sites.

Provisions for culinary and process water and sewage disposal should be specified.

Applications should identify

Continued on page 2A

## Price police stop vehicle, arrest absconding suspect

By LAYNE MILLER  
Staff writer

An alert Price city police officer turned a routine traffic stop into a felony drug arrest and apprehended a suspect on parole who is wanted by Utah Department of Corrections officials for purportedly "absconding" from the state.

Roger Taylor reportedly saw a 1978 Datsun 280Z traveling on Main Street Monday night with one headlight out. He followed the vehicle into the Subway parking lot where the stop was made.

"He probably would have only given the driver a warning but when he asked her for a driver license, she handed him a Utah ID card," explained Price Police Lt. Ed Shook. "When dispatch ran her driver license, it came back suspended."

Taylor then reportedly noticed that the passenger in the vehicle had an open alcohol container and when he opened the

Shook indicated that one thing led to another and officers found several bindles of suspected methamphetamine and drug paraphernalia and marijuana in the vehicle.

The driver and mother of the passenger, 40-year-old Connie S. Smith, West Valley, was arrested and booked into the Carbon County Jail on possession with intent to distribute methamphetamine, possession of drug paraphernalia, giving false information to a police officer and obstruction of justice charges.

The passenger, Robert V. Maldonado, 23, was arrested and booked on possession of marijuana, obstruction of justice, open container charges. He is currently being detained on an arrest warrant from corrections officials.

"They originally said the passenger's name was D.J. Brown," said Shook. "Their statements were inconsistent. They sometimes used the name Cory Brown."

Price City Police Department

wanted suspects from Utah while police officers were booking the suspects. He located a photo of Maldonado on a web site from the Utah State Prison indicating he is wanted by correctional officials.

"As Roger was talking to her (in the vehicle) he noticed a glass object in her sleeve," said Shook. "When he reached down to grab it she attempted to put something in her mouth and tried to swallow it."

Emery County Deputy Blake Gardner and his drug dog Enzo were brought in to search the vehicle but no additional illegal drugs were found. A passport belonging to a third individual was also reportedly found.

The Datsun was confiscated by police officials.

Shook praised the police officers for the arrest.

"These arrests were the result of good police work. Normally, Roger would have given her a warning for the equipment violation but one thing led to another and ended up with a felony drug bust and captur-



Emery County Deputy Blake Gardner and

Two occupants of the vehicle were arrested

College at Oneonta last September. She had been Vice President for Multicultural Affairs at that school. She said her personal mission is to highlight the excellence of the institution so

here in Price, was established in 1937. In 1976 the College established the San Juan Center in Blanding 200 miles to the south. When you drive from the Price campus to the San Juan

it makes up in character.

It is a place rich with folklore, history, diverse cultures, natural beauty, and abundant resources. It is a place that recognizes the value of diversity and

plains, football-style end zone wiggle. Fortunately, restraint prevailed.

On other occasions students have arrived at the house with bouquets of balloons and flowers, or decorated surroundings with colorful, lollipop-shaped signs offering words of support and encouragement. These were intentional and generous acts of inclusion. And I felt included.

Buttes and bluffs, castles and canyons, arts and arches, mountains and meadows, teaching and learning, and teaching for learning. College, community, and students. We are all here now.

Shall we begin?

## Sunnyside:

Continued from page 1A

locations of natural drainage channels, plans for disposal of surface water and proposed treatment of environmental conditions which may be effected by the proposed activity.

An environmental impact statement should be prepared evaluating significant impacts upon the social, economic and natural environment of the area and a mitigation program when required by the city.

Projects subject to the regulations will be approved by passage of an ordinance by the council, based on recommendations of the planning commission and after a public hearing. No construction or a project shall commence until the council has granted approval in accordance with the ordinance.

Once a project gains city approval, the council may act on a planning commission recommendation and authorize site plan changes without a hearing when changes or additions are minor in scope and can be implemented without impact on the area.

The zoning guideline empowers the city to require the posting of a performance guarantee to secure the construction of an improvement or the performance of an activity when deemed warranted.

In addition, the city may assess fees for processing applications, conducting studies to insure compliance with the ordinance and performing inspections during the course of the construction of buildings or structures. The city may also assess fees to cover the cost of mitigating undue impacts created by projects.

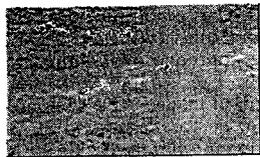
It is unlawful for any person, firm or corporation to commence on projects governed by the ordinance without complying with the provisions. Violations will be subject to criminal prosecution as class C misdemeanor offenses.



### Carbon County Centennial Committee donates \$1,500

Clark Warren and Betty Wheeler, members of the Carbon County Centennial Committee, donate a check for \$1,500 to Marjene Hack-

ney who represents the Nine Mile Canyon Coalition. The donation will help to purchase interpretive signs for Nine Mile Canyon.



n Price  
to finish the display area of a  
dar Hills Drive in Price. The  
lding plants and other mate-  
ne business plans to open in

**TRES INC.**  
RES 637-1233  
:00 & 9:00

Jennifer Lopez  
*Jenna*

PG

1. & Sun. 2:00, All seats \$2.00  
KING KOAL #2, 7:00 & 9:00

VAL KILMER  
**SAINT**

PG-13

PRICE THEATRE 637-2740  
All Seats \$1.50, 7:00 & 9:00 Fri. & Sat.,  
7:00 Sun. - Thurs.

**MICHAEL**

PG

\$2.50 with I.D.  
and 7:30 show at Crown, must show activity card.

**DOGS**

formerly Teddy's

April 18, 1997

**Opening**

April 25, 1997

- Serving:
- Polish Dogs
  - Mexican Dogs
  - Chicago Dogs
  - Sheep Dogs
  - Italian Dogs
  - Utah Dogs
  - German Dogs
- Your favorite dogs will serve you:
- Fe Fe
  - Sparky
  - Pluto
  - Spuds

Management  
**Rosemary**

West - Price  
Members Only

**PET OF THE WEEK**

The Good Guys Always Wear White Hats (or is that Hats?)

Well even if you're an outlaw you'll love sharing your hideout with this good ole boy. Declawed so he won't tear up your new saddle, and already neutered so he won't be out cat'n!

Trot on in and lasso this one. He's worth the gamble! 637-6654

Last week's Dalmatian found its home right after publication. We would like to thank the sponsor THE CLOTHING DEN

The Humane Society and Carbon County Animal Control are in need of sponsors for their "Pet of the Week" placement program to keep these innocent animals adopted into loving homes. If you can help PLEASE call the Sun Advocate today at 637-0732! Ask for Shirley.

This Week's Sponsor:

**Ekam Filters**

Happy Birthday Egon!

37 N. 100 W. • 637-6931

Reminding you to help control our pet population. Have your pet spayed or neutered.

**RENT TO OWN**

VCR's, TV's, Stereo's  
Appliances, Furniture

Pay 1<sup>st</sup> Week Rent,  
Mention this Ad and get the 2<sup>nd</sup>  
Week's Rent Free.

**HARD HAT**

FURNITURE & APPLIANCE  
21 West Main, Price 637-0140

It's April You Fool  
Happy Birthday  
Bishop  
from your favorites

