

ACT 1007/035
FILE #2

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SUNNYSIDE COGENERATION ASSOCIATES

POST OFFICE BOX 58087
SALT LAKE CITY, UTAH 84158-0087

RECEIVED

OCT 28 1993

DIVISION OF
OIL, GAS & MINING

October 26, 1993

Mr. Randy Harden
Division of Oil, Gas and Mining
3 Triad Center - Suite 350
Salt Lake City, UT 84180-1203

RE: Sunnyside Cogeneration Associates - Correspondence with the Corps of Engineers

Dear Randy,

This letter is in regards to recent correspondence with Ms. Kathy Trott of the Corps of Engineers concerning the hydrophytic vegetation in the seep area. The correspondence was initiated in response to DOGM's concern about the riparian vegetation in the seep area. The correspondence consisted of a letter to the Corps of Engineers, on behalf of SCA, explaining SCA's future plans to cease utilizing the East Slurry Cell. The purpose of the letter was to determine whether SCA was required to obtain a 404 permit to carry out these plans in the future.

Specifically, correspondence with the Corps is in direct response to concerns that Ms. Susan White of DOGM has regarding the wetland vegetation that exists in the seep area. Susan felt that the seep area may be classified as a jurisdictional wetland and therefore, if SCA proposed to cease utilizing the East Slurry Cell a 404 Permit would be required. The Corps responded to this letter on October 18, 1993 stating that "...a Department of the Army permit will not be required...".

Attached are copies of both the letter that was sent to the Corps explaining the situation and the response letter from the Corps verifying that a permit is not required. During this time, we also had verbal communication with the Corps of Engineers.

If you have any questions, please feel free to call Alane Boyd or Kathy Trott (295-8380).

Sincerely,

for 
David Pearce
Authorized Member, Management Committee

for 
Alane E. Boyd, P.E.
Senior Engineer

Enclosure

cc: Brian Burnett, CDN

AEB:jws
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ECKHOFF, WATSON and PREATOR ENGINEERING

Corres

1121 East 3900 South, Suite C 100 • Salt Lake City, UT 84124-1214 • (801) 261-0090, FAX (801) 266-1671

October 6, 1993

Principals

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Kenneth W. Watson, P.E., L.S.
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Robert L. Siegel, Ph.D.
James V. Olson, P.E.

Associates

Frederick C. Duberow, P.E.
Thomas W. Johnson, C.P.A.
Douglas L. Gilmore, P.E.

Ms. Kathy Trott
Corps of Engineers
1403 South 600 West
Bountiful, UT 84010

RE: Sunnyside Cogeneration Coarse Refuse Pile Operations

Dear Ms. Trott,

I am writing this letter to provide you with additional information concerning a current project we are involved in which is located in Sunnyside, Utah. As we discussed briefly on the telephone, the site is currently permitted under the Division of Oil, Gas and Mining (DOG M) as a surface coal mine. The area that is permitted is approximately 302 acres of which approximately 204 acres are disturbed. There is existing coal refuse material on the site which is utilized in a cogeneration facility adjacent to the permitted area.

Our role in this project has been to complete a full Permit Application for submittal and approval with the Division of Oil, Gas and Mining. Due to the environmentally sensitive nature of the project, there has been many ongoing issues to contend with. One issue in particular is the presence of a drainage seep that has developed hydrophytic vegetation. This area is referred to as the "seep".

The seep is located within the permit boundary and has been a source of concern for the DOGM. The water within the seep flows anywhere from approximately 1 cfs at its peak to 0 cfs. It is located (see attached map) toward the northwest corner of the permit area and meanders back and forth across the permit boundary.

The seep is an area which is fed by both natural and man-induced springs. The man-induced spring being referred to is believed to come from a slurry cell which is located approximately 2200 feet east of the seep. The operation of the slurry cell is such that there are significant periods of time for which the slurry cell dries out prior to the slurry cell being cleaned out. It is assumed that during these drying out periods, slurry water infiltrates and moves laterally along the underlying Mancos Shale layer and discharges at the seep.

The seep has been in existence for many years. Over the years, hydrophytic vegetation has established along the seep corridor, although, to our knowledge, a complete wetland delineation has never been accomplished. DOGM has regulated the seep and continues to do so because it has continued to show high levels of Iron and TDS. In addition, the high levels are believed to be caused by the slurry water from the slurry cell. Therefore, in an attempt to lower the levels of iron and TDS and improve the water quality, we have proposed to cease utilizing the slurry cell. The main goal in discontinuing use of the slurry cell is to prevent slurry water from discharging at the seep. DOGM has requested that we obtain a letter from

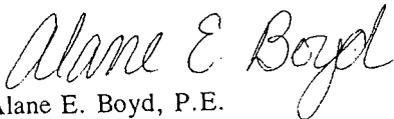
Ms. Kathy Trott
October 6, 1993
Page Two

the Corps of Engineers stating that it would not be a violation of federal laws regulated by the Corps of Engineers to cease using the slurry cell.

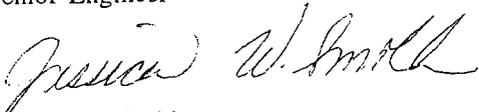
It is my understanding that it is allowable for our client to cease utilizing the slurry cell without being in violation of applicable laws. Furthermore, it is my understanding that if the slurry cell is no longer utilized, our client is not responsible for changes in the establishment of hydrophytic vegetation or the continued existence of hydric soil types and/or wetland hydrology that was initially established and/or has been supported by the slurry water coming from the slurry cell.

I have included applicable maps to better illustrate the actual configuration of the slurry cell in relation to the seep. Please review the included information and if there are any questions please feel free to call. Once you have reviewed the information, I am requesting that a letter be written stating the Corps position on this matter.

Sincerely,



Alane E. Boyd, P.E.
Senior Engineer



Jessica W. Smith
Staff Engineer

Enclosure

cc: Brian Burnett, Callister, Duncan & Nebeker; letter only
David Pearce, Environmental Power Corp.; letter only

JWS:jws
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