



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

INSPECTION REPORT

gpr

Norman H. Bangertter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

Partial: XX Complete: Exploration
Inspection Date/Time: November 26, 1993/10:00am-03:00pm
Date of Last Inspection: October 18, 1993

Mine Name: Sunnyside Refuse & Slurry County: Carbon Permit Number: ACT/007/035
Permittee and/or Operator's Name: Sunnyside Cogeneration Associates
Business Address: P. O. Box 58987, Salt Lake City, UT 84158-0087
Type of Mining Activity: Underground Surface XX Prep. Plant Other
Officials(s): State: Bill Malencik Company: _____
Federal Official(s): _____ Weather Conditions: Clear & Cold
Existing Acreage: Permitted-310 Disturbed-202 Regraded- Seeded- Bonded-202
Increased/Decreased: Permitted- Disturbed- Regraded- Seeded- Bonded-
Status: Exploration/XX Active/Inactive/Temp Cessation/Bond Forfeiture
Reclamation (Phase I/Phase II/Final Bond Release/Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
 - b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	[XX]	[]	[]	[XX]***
2. SIGNS AND MARKERS	[XX]	[]	[]	[]
3. TOPSOIL	[XX]	[]	[]	[XX]***
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[XX]	[]	[]	[XX]***
b. SEDIMENT PONDS AND IMPOUNDMENTS	[XX]	[]	[XX]	[]
c. OTHER SEDIMENT CONTROL MEASURES	[]	[]	[]	[]
d. WATER MONITORING	[]	[]	[]	[]
e. EFFLUENT LIMITATIONS	[]	[]	[]	[]
5. EXPLOSIVES	[]	[]	[]	[]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[]	[]	[]	[]
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	[XX]	[]	[XX]	[]
8. NONCOAL WASTE	[]	[]	[]	[]
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	[]	[]	[]	[]
10. SLIDES AND OTHER DAMAGE	[]	[]	[]	[]
11. CONTEMPORANEOUS RECLAMATION	[XX]	[]	[XX]	[XX]***
12. BACKFILLING AND GRADING	[]	[]	[]	[]
13. REVEGETATION	[]	[]	[]	[]
14. SUBSIDENCE CONTROL	[]	[]	[]	[]
15. CESSATION OF OPERATIONS	[]	[]	[]	[]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[XX]	[]	[XX]	[XX]***
b. DRAINAGE CONTROLS	[]	[]	[]	[]
17. OTHER TRANSPORTATION FACILITIES	[]	[]	[]	[]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[]	[]	[]	[]
19. AVS CHECK (4th Quarter-April, May, June) date	[]	[]	[]	[]
20. AIR QUALITY PERMIT	[]	[]	[]	[]
21. BONDING & INSURANCE	[]	[]	[]	[]
22. OTHER	[XX]	[]	[]	[XX]***

an equal opportunity employer

***PRIOR OUTSTANDING NOVs

INSPECTION REPORT
(Continuation sheet)

Page 3 of 4

PERMIT NUMBER: ACT/007/035 DATE OF INSPECTION: November 26, 1993

(Comments are Numbered to Correspond with Topics Listed Above)

Compliance -

Other / Coal Storage - The size of the coal storage area next to the crusher has increased. The crusher and coal storage area is also subject of an outstanding violation. The issue is not having such coal operations permitted.

Eight NOVs with an abatement date of November 30, 1993 are currently pending; one with a due date of December 3, 1993. NOV 93-26-4-1 with an abatement date of December 3, 1993 concerns unpaid AML fees. The original due date October 28, 1993 was extended by management to December 3, 1993. Would recommend that the permittee be advised as follows:

- (1) No further extensions would be granted and;
- (2) Suggest the permittee be advised to pay all unpaid AML fees by December 3, 1993. In turn, the Division would place such monies in pending/unearned/escrow account until OSM rules on the permittee request for relief.

My adverse recommendation is based on the fact that they were advised on February 11, 1993 about AML fees. In spite of this, the permittee took no meaningful action until a violation was issued.

According to information received, here is a summary on the NOV and abatements as of record on November 29, 1993:

- 1 - N93-40-05-9#1 - 11/30/93 - Contemp. Rec. - Information to be submitted by permittee 11/30/93.
- 2 - N93-40-05-9#7 - 11/30/93 - Topsoil Prot - Information to be submitted by permittee 11/30/93.
- 3 - N93-40-05-9#8 - 11/30/93 - Unauth. Coal Mat - Information to be submitted by permittee 11/30/93.
- 4 - N93-40-06-4-4 - 11/30/93 - Unauth. Mat. Hand. - Extended to 12/15/93.
- 5 - N93-32-05-2-1 - 11/30/93 - Road/Toxic - Was advised that field work would start 11/30/93.
- 6 - N93-32-05-2-2 - 11/30/93 - Diversion - Allegedly completed.
- 7 - N93-12-01-1-1 - 11/30/93 - Crusher - Information submitted today.
- 8 - N93-13-02-2-1 - 11/30/93 - Permit Conditions - Extended to 12/8/93.
- 9 - N93-26-04-1-1 - 12/3/93 - See recommendations to mgt pages 1 & 2 herein.

INSPECTION REPORT
(Continuation sheet)

Page 2 of 4

PERMIT NUMBER: ACT/007/035 DATE OF INSPECTION: November 26, 1993

(Comments are Numbered to Correspond with Topics Listed Above)

General Comments -

Before starting the inspection, contacted by phone EWP Engineering, SLC, to ascertain who would accompany me on today's inspection. Conversed with Jessica Smith and she advised me that Jim Comas was on assignment in St. George. Further, none of their personnel would be at the mine site.

In a vehicle, on my way in an easterly direction to the mine site, noticed that Jerry Carter, Savage Industries, in his vehicle was traveling in a westerly direction toward Price.

Discussed the purpose of my visit with secretary, Ann Carney. She stated that to her knowledge, no one was available to accompany me on the inspection. Mentioned that on site work on several violations had to be completed this date.

Office -

Did not check any mine records.

Field -

Sediment Ponds and Impoundments - Slurry was being removed and transported from slurry impoundments and contiguous areas to a disposal area.

Contemporaneous Reclamation - Top soiling the refuse outslope had been stated, but not completed. Such work is involved in an outstanding NOV. Work has been performed by Sunnyside Coal Company but not completed. Sunnyside Co-Gen cannot meet the NOV December 15, 1993 abatement date unless Sunnyside Coal Company completes the topsoiling. Sunnyside Cogeneration must seed the area.

Road - The haul road was not being watered during the inspection. The road of concern lies between the test plot and the active refuse disposal and mining areas. Even though other roads are damp from snow melt, continual heavy truck traffic has resulted in dry haul road conditions with the top surface approaching talcum powder consistency. The permittee needs to maintain a proper fugitive dust control program.

No on site refuse removal was underway at the refuse road outslope that is involved in an outstanding violation. The abatement due date is today, November 30, 1993.

INSPECTION REPORT
(Continuation sheet)

Page 4 of 4

PERMIT NUMBER: ACT/007/035 DATE OF INSPECTION: November 26, 1993

(Comments are Numbered to Correspond with Topics Listed Above)

Compliance -continued- -

The September 28, 1993 inspection no one would step forward and assume environmental/inspection responsibilities for the permittee. The November 30, 1993 inspection had this same problem with no knowledgeable and delegated official present.

The current style of operation has several distinct parts without an apparent on site delegated manager to carry out managerial functions. In spite of all the cooperative attitudes and good intentions, some things fall through the cracks. Furthermore, many of these have become compliance issues. Perhaps an on site manager with the authority to plan, budget, direct, coordinate, control, and evaluate the operations may help in coordinating problem solution.

It is not my intention to comment on style of operation because that is a matter under the sole control of the permittee. On the other hand, it is my perception that some compliance problems are triggered by managerial voids and changing on site conditions. Hope these comments are received in the same spirit as sent. Many have a stake in the successful outcome and my efforts are directed to meet the requirements of the Utha coal laws and regulations by attempting to be more perceptive in order to "nip things in the bud" before they become compliance issues.

Copy of this Report:

Mailed to: Sunnyside Cogeneration Associates

Mailed to: Bernie Freeman (OSM)

Given to: Joe Helfrich (DOGM)

Filed to: Price Field Office

Date: December 1, 1993

Inspector's Signature and Number:


Wm. J. Malencik

#26