



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

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September 2, 1993

TO: Randy Harden, Senior Reclamation Engineer

FROM: Henry Sauer, Senior Reclamation Soils Specialist 

RE: Permit Condition Status and Preliminary Technical Findings, Sunnyside Cogeneration Association, Sunnyside Refuse Pile, ACT/007/035, Folder #2, Carbon County, Utah

SYNOPSIS

Sunnyside Cogeneration Association (SCA) is in the process of collecting and submitting information for the purposes of meeting the conditions (Attachment A, Permit Findings Document, February 4, 1993) of permit ACT/007/035.

To dated numerous meetings and on-site visits have been conducted to assist Eckoff, Watson, and Preator Engineering (EWP), representing SCA, in fulfilling the permit conditions and thus meet the Utah Coal Regulatory Program (UCRP) requirements.

At this juncture it is apparent that the permit conditions will not be met prior to or on the Division imposed submittal date (i.e. September 15, 1993). Therefore, a finding of technical adequacy and permit compliance with the Utah Coal Regulatory Program **can not** be rendered at this time.

The following analysis enumerates the basis for the finding of noncompliance with the UCRP.

ANALYSIS

Condition No.2

R645-301-233 Topsoil Substitutes and Supplements

The permittee has identified and proposed a topsoil borrow site within the permit area. The suitability and volume of the



proposed substitute topsoil material has been assessed by Mr. Jim Nyenhaus representing ACZ, Inc. of Steamboat Springs, Colorado and is contained in a technical report which by all accounts will be submitted to the Division on September 15, 1993. Preliminary discussions and on site observations made during soil survey activities, indicates that the proposed substitute topsoil will be suitable growth medium for final reclamation of the SCA facility. However, the permittee has not demonstrated (See discussion under Condition No.18) that ample quantities of nontoxic and noncombustible material exist to control the impact of coal mining activities on surface and groundwater, to prevent sustained combustion, and to minimize adverse effects on plant growth and the approved post mining land use (R645-301-553.300, R645-301-731.100 et. seq. through R645-301-731.522).

Condition No.12

R645-301-528.100 Handling and Disposal of Coal, Overburden, Excess Spoil, and Coal Mine Waste.

The permittee's ability to adequately address this condition is dependant upon the resolution of issues raised by conditions:#2; #9-#11; #13 and #18. Development of a material and waste handling plan is a dynamic and encompassing process. Based on the fact that many of the aforementioned conditions are far from being resolved, the submission of an adequate material and waste disposal plan is unlikely. However, the permittee may commit to a comprehensive, detailed and continual evaluation of coal mine waste handling and disposal as additional information is obtained and the mining of the refuse and slurry material develops.

Condition No.18

R645-301-731.300 Acid- and Toxic-Forming Materials.

The permittee's original plan to fulfill this condition was to analyze the refuse and slurry sample collected by John T. Boyd in 1992. The results of the laboratory analyses were intended to determine the acid and/or toxic forming potential of the refuse and slurry material on site. The sample collected in 1992 and stored at the Commercial Testing and Engineering Laboratory in Huntington, Utah have been thrown away. Therefore, the permittee's ability to characterize the refuse and slurry material as originally proposed is impossible.

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Based on the facts that no refuse and/or slurry data exists which demonstrate the physiochemical character of the waste material and that the seep emanating from the base of the Coarse Refuse Pile is producing water that has the potential to adversely impacted the water quality of the state (see November 24, 1992 and December 17, 1992 memos to Pamela Grubaugh-Littig, section R645-301-731.300., and NOV 92-32-14-1 File) and is primarily the result of slurry and refuse disposal practices, this writer can not find the permittee incompliance with UCRP.

CC:Pamela Grubaugh-Littig