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**SUNNYSIDE COGENERATION ASSOCIATES**

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

ACT/007/035 #2  
Copy Ram

March 1, 1994

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

MAR 1 1994

**RE: Project No. EC450593: Violation N93-13-2-1, Sunnyside Cogeneration Associates -  
Permit Additions**

Dear Randy,

On December 13, 1993 and again on January 12, 1994, Ms. Alane Boyd submitted a schedule to the Division of Oil, Gas and Mining (DOGM) which included a time line for completing tasks associated with the Sunnyside Cogeneration Associates (SCA) Permit Application Package (PAP). The schedule includes a time line for both progress and completion of each of the tasks. Also outlined on the schedule are various submittal dates. The submittal dates were kept to a minimum to avoid "piece mealing" information to the Division.

This submittal includes the following new items to be added into the permit. The paragraphs below include a more detailed discussion of each of these items.

1. **Final Disturbed Area Maps** - Plates 3-1, 3-1A, 3-1B, 3-1C, 3-1D, 3-1E
2. **Inspection Schedule for Excess Spoil (Noncombustible) Pile, Coarse Refuse Pile, and Impoundments** (revisions in text of Chapter 5 and 9, also Table 5-1)
3. **Flow Measuring Devices (Weir Designs)**  
Revised Chapter Seven text, Plate 7-1C, Coarse Refuse Toe Pond Drainage, and Plate 7-19, Typical Flow Measuring Devices
4. **Hydrologic calculations for the berm of the Storage Area #1 Topsoil Stockpile**  
Appendix 7-7
5. **Preliminary analysis of acid/toxic forming material**  
Revised portion of Chapter Six text, and new Appendix 6-6

1. **Final Disturbed Area Maps (Plates 3-1, 3-1A, 3-1B, 3-1C, 3-1D, 3-1E)**

The original disturbed area maps were based on information obtained from previous Sunnyside Coal Company (SCC) permit documents. SCA has garnered additional information to accurately designate the boundaries of the disturbed areas on the existing maps. At the request of the Division, the map scale is enlarged so that the maps allow for "...an accurate delineation of these boundaries." In order to provide the disturbed areas at a larger scale (1" = 100'), the permit area had to be separated into five areas. Each of these areas, along with an overall site map, is included with this submittal.

The new plate numbers are as follows:

Plate 3-1,	Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map
Plate 3-1A,	Section A, Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map
Plate 3-1B,	Section B, Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map
Plate 3-1C,	Section C, Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map
Plate 3-1D,	Section D, Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map
Plate 3-1E,	Section E, Pre-Law, Post-Law, and Future (Anticipated) Disturbed Area Map

## **2. Inspection Schedule**

A minor revision to Chapter 5 includes a description of the inspection requirements. Table 5.1 provides a synopsis of the inspection activities and frequency. The structures/areas to be inspected regularly are:

- a) Excess Spoil (Noncombustible) Pile
- b) Coarse Refuse Pile
- c) Impoundments

Page 900-18 in Chapter 9 has also been revised to correspond to the correct inspection schedule.

## **3. Flow Measuring Devices (Weir Designs)**

Included are designs for flow measuring devices that will be utilized in areas where flow measurements are crucial for determining mass balances throughout the SCA Permit Area. Plate 7-19 shows typical designs for these devices. The placement of these devices was discussed with DOGM during the February 2, 1994 meeting and is in response to a request from DWQ.

Currently, there are three weirs planned for installation: one V-Notch weir and two Cipoletti weirs. All three of these weirs will be installed in the seep area located at the base of the coarse refuse lifts. The V-Notch weir will be installed in the coarse refuse seep at the source and the Cipoletti weirs will be installed in the coarse refuse seep at the boundary and directly in front of the culvert underneath the existing railroad tracks. Plate 7-1C is submitted to show these weir locations and Chapter Seven has been revised to reflect these changes.

## **4. Hydrologic Calculations for the berm of the Storage Area #1 Topsoil Stockpile (Appendix 7-7)**

Prior to storing coal materials in the storage area, topsoil was removed and stored in the stockpile at the northeast end of the storage area. To control erosion, a berm was constructed around the perimeter at the base of the stockpile. These calculations verify the minimum size of the berm.

Mr. Randy Harden  
Sunnyside Cogeneration Associates - Permit Additions  
March 4, 1994  
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5. **Preliminary Analysis of Acid/Toxic Forming Material** (Appendix 6-6)

In December, 1993, four (4) grab samples were taken from the West Slurry Cell. These samples were taken to the Huntingdon Chen-Northern laboratory in Salt Lake City where they were analyzed for the parameters listed in DOGM's *Guidelines for Management of Topsoil and Overburden for Underground and Surface Coal Mining*. The samples were tested to determine general characteristics of the material. The results of the testing were reviewed and a report was written summarizing the findings. The report is included with this submittal.

The items discussed above are on schedule with the proposed time line that was submitted to DOGM on December 13, 1994. If there are any questions, please feel free to call.

Sincerely,

  
David Pearce  
Authorized Member, Management Committee

  
Alane E. Boyd, P.E.  
Senior Engineer

Enclosure

cc: Brian Burnett, CDN  
Bill Malencik, DOGM

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# APPLICATION FOR PERMIT CHANGE

Title of Change: **SUNNYSIDE COGENERATION ASSOCIATES  
PERMIT ADDITIONS**

Final Disturbed Area Maps    Flow Measuring Devices  
 Inspection Schedule for Excess Spoil Pile, Coarse Refuse Pile, and Impoundments  
 Hydrologic Calcs. for Berm of Storage Area #1 Topsoil Stockpile  
 Preliminary Analysis of Acid / Toxic Forming Material

Permit Number: **ACT/007/035**

Mine: **Sunnyside Cogen. Assoc.**

Permittee: **Sunnyside Cogen. Assoc.**

Description - include reason for change and timing required to implement: **Final Disturbed Area Maps, Flow Measuring Devices, Inspection Schedule for Excess Spoil Pile, Coarse Refuse Pile, and Impoundments, Hydrologic Calcs. for Berm of Storage Area #1 Topsoil Stockpile, Preliminary Analysis of Acid / Toxic Forming Material**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.                          |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 2. Change in the size of the Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.                       |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Will permit change include operations in hydrologic basins other than currently approved?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 6. Does permit change require or include public notice publication?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 7. Permit change as a result of a Violation? Violation # _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 8. Permit change as a result of a Division Order? D.O. # _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Permit change as a result of other laws or regulations? Explain: _____   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 11. Does the permit change affect the surface landowner or change the post mining land use?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does permit change require or include collection and reporting of any baseline information?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Does permit change require or include soil removal, storage or placement?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 16. Does permit change require or include construction, modification, or removal of surface facilities?   |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 17. Does permit change require or include water monitoring, sediment or drainage control measures?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 18. Does permit change require or include certified designs, maps, or calculations?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does permit change require or include underground design or mine sequence and timing?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does permit change require or include subsidence control or monitoring?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?                                      |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Is this permit change coal exploration activity <input type="checkbox"/> inside <input type="checkbox"/> outside of the permit area? <b>N/A</b> |

Attached **3** complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all aspects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

*Alane E. Boyd, P.E. 3/1/94*

Signed - Name - Position - Date

Subscribed and sworn to before me this 20th day of February 1994

*[Signature]*  
Notary Public

My Commission Expires: 3/8/97

Attest: STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

**NOTARY PUBLIC**  
**MARILYN YOUNG**  
 1121 E. 3900 So. #C-100  
 Salt Lake City, Utah 84124  
 My Commission Expires  
 March 8, 1997  
**STATE OF UTAH**

Received by Oil, Gas & Mining

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ASSIGNED PERMIT CHANGE NUMBER

## Application for Permit Change Detailed Schedule of Changes to the Permit

Title of Change: <b>SUNNYSIDE COGENERATION ASSOCIATES PERMIT ADDITIONS</b> Final Disturbed Area Maps                      Flow Measuring Devices Inspection Schedule for Excess Spoil Pile, Coarse Refuse Pile, and Impoundments Hydrologic Calcs. for Berm of Storage Area #1 Topsoil Stockpile Preliminary Analysis of Acid/ Toxic Forming Material	Permit Number: <b>ACT/007/035</b>  Mine: <b>Sunnyside Cogen. Assoc.</b>  Permittee: <b>Sunnyside Cogen. Assoc.</b>
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Provide a detailed listing of all changes to the mining and reclamation plan which will be required as a result of this proposed permit change. Individually list all maps and drawings which are to be added, replaced, or removed from the plan. Include changes of the table of contents, section of the plan, pages or other information as needed to specifically locate, identify and revise the exiting mining and reclamation plan. Include page, section and drawing numbers as part of the description.

			DESCRIPTION OF MAP, TEXT, OR MATERIALS TO BE CHANGED
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1A
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1B
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1C
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1D
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	Plate 3-1E
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	REVISED CHAPTER 5 TEXT WITH TABLE 5.1
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	TEXT PAGE 900-18
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	REVISED CHAPTER 7 TEXT
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	PLATE 7-1A
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	PLATE 7-1C
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	APPENDIX 7-7, STORAGE AREA 1 TOPSOIL STOCKPILE BERM CALCS
<input checked="" type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	APPENDIX 6-6, PRELIMINARY ANALYSIS - ACID/TOXIC FORMING MATL
<input type="checkbox"/> ADD	<input checked="" type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	REVISIONS TO CHAPTER SIX TEXT
<input type="checkbox"/> ADD	<input type="checkbox"/> REPLACE	<input type="checkbox"/> REMOVE	
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Any other specific or special instructions required for insertion of this proposal into the Mining and Reclamation Plan?



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CALLISTER, DUNCAN & NEBEKER

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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SALT LAKE CITY, UTAH 84133

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December 6, 1993

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TO CALL WRITER DIRECT

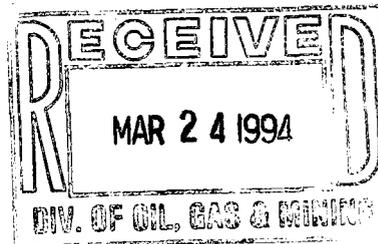
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<sup>5</sup>MEMBER CALIFORNIA BAR ONLY

HAND DELIVERED

Joseph C. Helfrich  
Assessment Officer  
Division of Oil, Gas & Mining  
State of Utah  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203



*Copy Joe*  
ACT\007\035 #5  
N93-40-6-4

Re: Sunnyside Cogeneration Associates' Permit No. ACT\007\035 #5  
Proposed Assessment for State Violation No. N93-40-6-4

Dear Joe:

Pursuant to your letter and proposed assessment in the matter set forth above, dated November 4, 1993, Sunnyside Cogeneration Associates ("SCA") hereby informally appeals the fact of the above violations and/or the proposed penalty assessment for those violations pursuant to Utah Admin. Code R645-401-700.

SCA states as follows:

Violation 1 of 4

This NOV was issued for failure to have the July UPDES DMRs available at the time of inspection. This NOV has been abated. At the time of the inspection, all available personnel were in Salt Lake City preparing for a mid-September submission to DOGM and had not taken the DMRs to the site. It is important to note that the UPDES DMRs were filled out and were available at the Sunnyside Coal Company ("SCC") and the Utah Department of Environmental Quality ("DEQ").

Violation 2 of 4

This NOV was issued for failing to water all unpaved roads as per the Approval Order issued for the SCA facility by DEQ dated March 8, 1991. My understanding of DOGM's position on this particular

Joseph C. Helfrich  
December 6, 1993  
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issue is that DOGM was concerned that all unpaved roads were not being watered even though no Air Quality violation was occurring. In other words, no dust was coming off of the roads at issue. Savage Industries, Inc., the materials handling contractor for SCA, was watering all roads utilized by the project. Some roads that were unused were being watered only as necessary.

The important thing to focus on is whether or not air pollution is occurring. I contacted DEQ to discuss this issue with them. First of all, DEQ was surprised that DOGM was monitoring their Air Permit. Secondly, DEQ focuses on whether or not there is a violation in the level of pollution into the environment as opposed to whether there has been some technical oversight in the drafting of the permit. Because of this action, SCA is changing its air quality permit so that this provision will be amended to comply with the intent of the regulations.

This violation focuses not on the spirit of the law, but on the letter of it. We should focus on whether there was an air quality problem which created a discharge into the environment. The answer to that question is no - no harm to the environment - no release into the environment over and above SCA's permit level. DEQ certainly is not concerned with this problem. I sincerely question why DOGM has wasted time focusing on this issue. SCA recommends that this NOV be vacated.

#### Violation 3 of 4

This violation was issued because DOGM could not locate information regarding whether or not piezometer monitoring in the embankment of the slurry had been conducted. The monitoring had been conducted. The piezometer information was available at the Sunnyside Coal Company ("SCC") site. SCC had been conducting piezometer monitoring.

In a meeting on August 27, 1993 with DOGM, SCA discussed the piezometer monitoring issue. In that meeting, SCA told DOGM that SCA would take out the monitoring requirement in its mid-September filing with DOGM. On September 15, 1993, SCA filed to remove the piezometer requirement from SCA's permit. DOGM visited the site on September 14 and 15, 1993 and issued a violation for failing to include piezometer monitoring results. Because the piezometer monitoring has been removed from SCA's permit, SCA recommends that DOGM vacate this NOV.

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December 6, 1993  
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Violation 4 of 4

This violation was issued for returning waste coal to the permit site that was too large for the screens and crushing units at the SCA facility.

For a short period of time, the crushing unit could not handle certain material from the permit area. Because the waste coal was too large for the screening system, it was returned to the coarse refuse pile to be backblended with other material after the crusher had been fixed. The crushing unit can now handle this material and the material is being backblended with other coarse refuse so that it will be utilized in the SCA facility. This material will be taken off of the permit site.

This material did not come from another location, but was merely waste coal taken from the SCA refuse pile which had some unique crushing characteristics that the facility could not handle at the time. The SCA facility has now been modified so that the crushing unit can now handle this material. SCA requests this fine be diminished significantly.

Pursuant to the above information, SCA requests an informal conference and/or assessment conference regarding the above issues. Thank you for your cooperation in this regard. If you have any questions, please feel free to contact me.

Very truly yours,

CALLISTER, DUNCAN & NEBEKER



Brian W. Burnett  
Attorneys for Sunnyside Cogeneration  
Associates

BWB/mcm  
cc: David Pearce  
Alane Boyd