

PERMIT AMENDMENT APPROVAL

| | |
|--|-----------------------------------|
| Title: TOPSOIL DISTURBANCE | PERMIT NUMBER: ACT/007/03T |
| Description: RE: NOV N93-40-5-9 FAILURE TO SEGREGATE TOPSOIL | PERMIT CHANGE #: 93N |
| | MINE: Refuse & Slurry |
| | PERMITTEE: SCA |

WRITTEN FINDINGS FOR PERMIT APPLICATION APPROVAL

YES, NO or N/A

| | | |
|-----|--|-----|
| 1. | The application is complete and accurate and the applicant has complied with all the requirements of the State Program. | N/A |
| 2. | The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations, unless: | |
| A. | The applicant has demonstrated that before January 4, 1977, substantial legal and financial commitments were made in relation to the operation covered by the permit application, or | |
| B. | The applicant has demonstrated that the proposed permit area is not within an area designated as unsuitable for mining pursuant to R645-103-300 and R645-103-400 or 30 CFR 769 or subject to the prohibitions or limitations of R645-103-230. | |
| 3. | For coal mining and reclamation operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Division the documentation required under R645-301-114.200. | |
| 4. | The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. | |
| 5. | The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). | |
| 6. | The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Division has determined that no additional protection measures are necessary. | |
| 7. | The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application. | |
| 8. | The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302. | |
| 9. | The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870. | |
| 10. | The Applicant has satisfied the applicable requirements of R645-302. | |
| 11. | The Applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use, in accordance with the requirements of R645-301-353.400. | |

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT AMENDMENT APPROVAL

YES NO

| | | | |
|----|--|---|--|
| 1. | Are there any variances associated with this permit amendment approval? If yes, attach. | | |
| 2. | Are there any special conditions associated with this permit amendment approval? If yes, attach. | X | |
| 3. | Are there any stipulations associated with this permit amendment approval? If yes, attach. | | |

The Division hereby grants approval for Permit Amendment to the Existing Permit by incorporation of the proposed changes described herein and effective the date signed below. All other terms and conditions of the Existing Permit shall be maintained and in effect except as superseded by this Permit Amendment.

Signed

Director, Division of Oil, Gas and Mining

11-3-94
EFFECTIVE DATE



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

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

PERMIT CHANGE
SPECIAL CONDITIONS TO THE PERMIT
ACT/007/035-93N
January 13, 1994

The Division hereby approves Permit Change ACT/007/035-93N for incorporation into the plan, subject to the following Special Conditions:

1. The text, drawings, plans and other information included in this proposed permit change have been found sufficiently complete for incorporation of the information into the plan. The Division has accepted this information as an Amendment to the currently approved Plan subject to the provisions of violation N93-13-2-1. Any changes ordered by the Division following the Division's technical review for abatement of violation N93-13-2-1 may require changes to the information provided in this Permit Change.



PERMIT CHANGE TRACKING FORM

| | | | |
|--|----------|-----------------|-------------------------------|
| DATE RECEIVED | 11/29/93 | PERMIT NUMBER | ACT/007/035 |
| Title of Proposal: TOPSOIL DISTURBANCE | | PERMIT CHANGE # | 93N |
| Description: NOV N93-40-5-9 FAILURE TO SEGREGATE TOPSOIL | | PERMITTEE | Sunnyside Cogeneration Assoc. |
| | | MINE NAME | Sunnyside Refuse/Slurry |

| | DATE DUE | DATE DONE | RESULT |
|--|----------|-----------|---|
| <input type="checkbox"/> 15 DAY INITIAL RESPONSE TO PERMIT CHANGE APPLICATION | | | <input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED |
| <input type="checkbox"/> Notice of Review Status of proposed permit change sent to the Permittee. | | | Permit Change Classification |
| <input type="checkbox"/> Request additional review copies prior to Division/Other Agency review. | | | <input type="checkbox"/> Significant Permit Revision |
| <input type="checkbox"/> Notice of Approval of Publication. (If change is a Significant Revision.) | | | <input type="checkbox"/> Permit Amendment |
| <input type="checkbox"/> Notice of request to modify proposed permit change prior to approval. | | | <input type="checkbox"/> Incidental Boundary Change |

| REVIEW TRACKING | INITIAL REVIEW | | MODIFIED REVIEW | | FINAL REVIEW AND FINDINGS | |
|---|----------------|---------|-----------------|------|---------------------------|------|
| DOGM REVIEWER | DUE | DONE | DUE | DONE | DUE | DONE |
| <input checked="" type="checkbox"/> Administrative RA | | 1-13-94 | | | | |
| <input type="checkbox"/> Biology | | | | | | |
| <input type="checkbox"/> Engineering | | | | | | |
| <input type="checkbox"/> Geology | | | | | | |
| <input type="checkbox"/> Soils | | | | | | |
| <input type="checkbox"/> Hydrology | | | | | | |
| <input type="checkbox"/> Bonding | | | | | | |
| <input type="checkbox"/> AVS Check | | | | | | |

| COORDINATED REVIEWS | DUE | DONE | DUE | DONE | DUE | DONE |
|---|-----|------|-----|------|-----|------|
| <input type="checkbox"/> OSMRE | | | | | | |
| <input type="checkbox"/> US Forest Service | | | | | | |
| <input type="checkbox"/> Bureau of Land Management | | | | | | |
| <input type="checkbox"/> US Fish and Wildlife Service | | | | | | |
| <input type="checkbox"/> US National Parks Service | | | | | | |
| <input type="checkbox"/> UT Environmental Quality | | | | | | |
| <input type="checkbox"/> UT Water Resources | | | | | | |
| <input type="checkbox"/> UT Water Rights | | | | | | |
| <input type="checkbox"/> UT Wildlife Resources | | | | | | |
| <input type="checkbox"/> UT State History | | | | | | |
| <input type="checkbox"/> Other | | | | | | |

| | | | |
|--|---------|---|--|
| <input type="checkbox"/> Public Notice/Comment/Hearing Complete (If the permit change is a Significant Revision) | | <input checked="" type="checkbox"/> Permit Change Approval Form signed and approved effective as of this date. <input type="checkbox"/> Permit Change Denied. | |
| <input type="checkbox"/> Copies of permit change marked and ready for MRP. | | <input type="checkbox"/> Notice of <input type="checkbox"/> Approval <input type="checkbox"/> Denial to Permittee. | |
| <input checked="" type="checkbox"/> Special Conditions/Stipulations written for approval. | 1-13-94 | <input type="checkbox"/> Copy of Approved Permit Change to File. | |
| <input type="checkbox"/> TA and CHIA modified as required. | | <input type="checkbox"/> Copy of Approved Permit Change to Permittee. | |

SUNNYSIDE COGENERATION ASSOCIATES

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

November 29, 1993

RECEIVED

NOV 30 1993

DIVISION OF
OIL, GAS & MINING

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

RE: Project No. EC450593: Sunnyside Cogeneration Associates - Violation No. N93-40-5-9
No. 7 of 9

Dear Randy,

This letter is in regards to Violation No. N93-40-5-9 No. 7 of 9 which was issued for failure to separate and segregate topsoil from an area prior to disturbance. In response to SCA's September 15, 1993 submittal in regards to this violation, DOGM stated that, "Abatement of this violation will require more specific discussion of the area disturbed and must be resubmitted in order to resolve this violation." DOGM also stated that, "...SCC has responded more appropriately..." to the same violation. Therefore, SCA has obtained appropriate information from SCC and has included it with this submittal.

Enclosed is a mitigation plan for the abatement of this violation and updated disturbed area maps, Plates 3-1A and 3-1B. These maps show the disturbed area adjacent to the Coarse Refuse Toe Pond in more detail (Scale 1"=100'). As stated on November 16, 1993, a complete set of revised disturbed area maps, Plates 3-1, 3-1A, 3-1B, 3-1C, 3-1D and 3-1E will be submitted by December 15, 1993.

Also enclosed are the appropriate request for permit change forms. If there are any questions, please feel free to call.

Sincerely,

AEB for

David Pearce
Authorized Member, Management Committee

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

Enclosure

cc: Brian Burnett, CDN

AEB:jws
c:\jws\viol\crttop.ran

MITIGATION PLAN FOR THE COARSE REFUSE TOE POND CLEANOUT MATERIAL

Violation No. N93-40-5-9 No. 7 of 9 were issued for the failure to separate and segregate topsoil from an area prior to disturbance. The paragraphs below outline a mitigation plan for the abatement of this violation. It should be recognized that the information contained below was obtained from Sunnyside Coal Company. SCC's mitigation plan was approved by DOGM and therefore, SCA proposes to implement the plan for the purposes of abating this violation.

SCC committed to removing the pond cleanout material and disposing it in the Coarse Refuse Pile in accordance with the SCC PAP. First, SCC prepared the disturbed area, approximately 325 square feet, for reclamation in accordance with the SCC PAP. The disturbed area was then seeded with the Pinyon-Juniper/Grass final seed mix, which is also included in the SCC PAP. The seed mix was approved by DOGM prior to seeding. The revegetation was completed during the week of November 15, 1993.

For temporary erosion control, a silt fence was installed as shown on the enclosed map (Plate 3-1A). The silt fence will remain in place until revegetation is complete and established to the same extent as it was prior to the disturbance.

At this time, the mitigation plan outlined above has been accomplished. SCA commits to monitoring erosion and revegetation success as necessary. In order to remain consistent with this plan, SCA has updated appropriate maps to show the disturbed areas in more detail (Scale 1" = 100'). Plates 3-1A and 3-1B, which outline the area adjacent to the Coarse Refuse Toe Pond, are included with this submittal.

APPLICATION FOR PERMIT CHANGE

Title of Change:

SUNNYSIDE COGENERATION ASSOCIATES - Violation No. N93-40-5-9
Nos. 7 of 9

Permit Number: PRO/007/035

Mine: Sunnyside Cogen. Assoc.

Permittee: Sunnyside Cogen. Assoc.

Description - include reason for change and timing required to implement:

Violation No. N93-40-5-9 Nos. 7 of 9 - Revised Disturbed Area Maps and Mitigation Plan

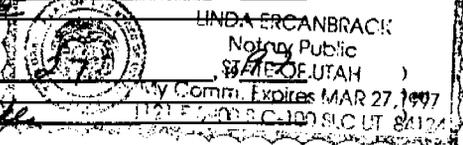
- | | | |
|---|--|---|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 2. Change in the size of the Disturbed Area? <u>0.007 acres (325 square feet)</u> acres <input checked="" 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 7. Permit change as a result of a Violation? Violation #N93-40-5-9 Nos. 7 of 9 |
| <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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 14. Does permit change require or include soil removal, storage or placement? |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 15. Does permit change require or include vegetation monitoring, removal or revegetation activities? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 16. Does permit change require or include construction, modification, or removal of surface facilities? |
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | 17. Does permit change require or include water monitoring, sediment or drainage control measures? |
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| <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? N/A |

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.

Alone E. Boyd, P.E. 11/30/93
Signed - Name - Position - Date

Subscribed and sworn to before me this 30th day of November, 1993
Linda Ercanbrack
Notary Public



My Commission Expires:
Attest: STATE OF
COUNTY OF

March
Utah
Salt Lake

Received by Oil, Gas & Mining

Nov 30, 1993

ASSIGNED PERMIT CHANGE NUMBER

937

SUNNYSIDE COGENERATION ASSOCIATES

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

November 29, 1993

RECEIVED

NOV 30 1993

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Alane E. Boyd

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Enclosure

cc: Brian Burnett, CDN

AEB:jws
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Alane E. Boyd, P.E. 11/30/93
Signed - Name - Position - Date

Subscribed and sworn to before me this 30th day of November, 1993
Linda Ercanbrack
Notary Public

My Commission Expires:
Attest: STATE OF
COUNTY OF

March
Utah
Salt Lake

LINDA ERCANBRACK
Notary Public
STATE OF UTAH
My Comm. Expires MAR 27, 1997
STATE OF UTAH COUNTY CLERK

Received by Oil, Gas & Mining

Nov. 30, 1993

ASSIGNED PERMIT CHANGE NUMBER

93 N

