



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

gh

MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name: Sunnyside Cogeneration Associates
Mailing Address: P.O. Box 58087, Salt Lake City, Ut 84158-0087
State Permit No.: ACT 007/035

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 94-26-4-1 dated 9/28/94, 19__.

Cessation Order No. C N/A. dated _____, 19__.

Part 1 of 1 is modified as follows: Redesign diversion of RC-D-6
is extended from Oct 21 to Oct 31, 1994 (Interim Abatement Measure)

Reason for modification is See letter from EWP/ additional field
surveys are required over and above what was anticipated. Final
abatement date, 11/30/94, remains in full force and field work must be
Part _____ of _____ is modified as follows: completed by 11/30/94

N/A

Reason for modification is _____

Part _____ of _____ is modified as follows: _____

N/A.

Date of service/ mailing Oct 21, 1994 Time of service/ mailing 10:30 a.m. p.m.

Date of inspection 10/18 & 21/1994

Date of Prior Inspection when NOV was issued: 9/27/94
Permittee/Operator representative: Jim Comas Title: Resident Engineer / EWP.

Signature: Jim Comas

Wm. J Malencik
Division of Oil, Gas & Mining

Rec. Spec. # 26
Title

Signature: Wm. J Malencik
10/21/94



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

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INSPECTION REPORT

Partial: _____ Complete: XX Exploration _____
Inspection Date/Time: October 18&21, 1994/ 8:00am-3:00pm
Date of Last Inspection: September 28, 1994

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: Jim Comas
Federal Official(s): N/A Weather Conditions: Clear/Temp 60's
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

- Substantiate the elements on this inspection by checking the appropriate performance standard.
 - 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.
 - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- 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]	[]	[]	[]
2. SIGNS AND MARKERS	[XX]	[]	[]	[]
3. TOPSOIL	[XX]	[]	[]	[]
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	[XX]	[]	[XX]	[]
b. SEDIMENT PONDS AND IMPOUNDMENTS	[XX]	[]	[XX]	[]
c. OTHER SEDIMENT CONTROL MEASURES	[XX]	[]	[]	[]
d. WATER MONITORING	[XX]	[]	[XX]	[]
e. EFFLUENT LIMITATIONS	[XX]	[]	[XX]	[]
5. EXPLOSIVES	[]	[XX]	[]	[]
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	[XX]	[]	[XX]	[]
7. COAL MINE WASTE/REFUSE PILES				
IMPOUNDMENTS	[XX]	[]	[]	[]
8. NONCOAL WASTE	[XX]	[]	[]	[]
9. PROTECTION OF FISH, WILDLIFE AND				
RELATED ENVIRONMENTAL VALUES	[XX]	[]	[]	[]
10. SLIDES AND OTHER DAMAGE	[XX]	[]	[]	[]
11. CONTEMPORANEOUS RECLAMATION	[XX]	[]	[]	[]
12. BACKFILLING AND GRADING	[XX]	[]	[]	[]
13. REVEGETATION	[XX]	[]	[]	[]
14. SUBSIDENCE CONTROL	[]	[XX]	[]	[]
15. CESSATION OF OPERATIONS	[XX]	[]	[]	[]
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	[XX]	[]	[XX]	[]
b. DRAINAGE CONTROLS	[XX]	[]	[]	[]
17. OTHER TRANSPORTATION FACILITIES	[XX]	[]	[]	[]
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	[XX]	[]	[]	[]
19. AVS CHECK (4th Quarter-April, May, June) date	[]	[XX]	[]	[]
20. AIR QUALITY PERMIT	[XX]	[]	[XX]	[]
21. BONDING & INSURANCE	[XX]	[]	[XX]	[]



INSPECTION REPORT
(Continuation sheet)

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PERMIT NUMBER: ACT/007/035

DATE OF INSPECTION: 10/18&21/94

(Comments are Numbered to Correspond with Topics Listed Above)

GENERAL COMMENTS

The instant inspection started with a field inspection of the upper mine site, records review, and later completing the lower mine site on 10/21/94.

RECORDS

The following records were reviewed and worthy of comment:

1. Permits -

- DOGM permit on file dated 2/4/93 and expires 2/4/98
 - ▶ Special Conditions are defined in attachment A
 - ▶ Permit area enlarged and approved by DOGM Director on 6/8/94. The incidental boundary approval covers crusher, pad, looproad and beltline.
- Air quality permit from DEQ approved 2/7/94 and titled approval order, DAQE0077-94
- UPOES permit from DEQ approved 8/20/92 and expires 7/31/97. Permit covers nine outfalls, eight sediment ponds and one impoundment (clear water impoundment/source of water/slurry cell #1 & #2).
- Bond, Surety for \$1,500,000.00. Exhibit A attached to the bond shows bonded area embracing 304.85 acres.

Liability Insurance

Mine file records show that the permittee is covered by a certificate of insurance covering period 7/30/93 to 7/30/94 from Federal Insurance Company. The current policy as depicted by the mine records has two problems, to wit:

- (1) It expired 7/30/94, and
- (2) The cancellation clause does not meet Division requirements. Unless the permittee can provide an updated, or, moreover demonstrate that an effective policy has been in place, the undersigned has no recourse but to cite this matter as a violation of the Utah Coal Mine Rules.^a

^aTelephoned Alane Boyd to check the Salt Lake Mine records for the latest insurance policy. Advised her that the inspection will be concluded on 10/21/94. Therefore, proof of insurance must be validated at that time. Attorney for the permittee provided the undersigned with a current insurance policy before the inspection closeout.

INSPECTION REPORT
(Continuation sheet)

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PERMIT NUMBER: ACT/007/035

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Water Monitoring

Water monitoring stations includes nine ponds, one well, one creek, one spring, and two seeps. The latest monitoring report in the files on the above stations was submitted to the Division on 8/26/94 and covered the June, July and August monitoring period.

The difference between the nine water monitoring stations and previous six stations are attributable to the additions of coal pile runoff pond, land fill pond and facility sediment pond. These sites were not included in the prior schedule. The water monitoring sites need to be reconfirmed by permittee in light of the June permit area enlargement and approved amendment. Water monitoring for the power plant is the primary reason for the records disparity. Suggest water monitoring requirements for the power plant not be included in the mine records.

Impoundment Inspection Reports

Impoundment inspection reports were reviewed and records show the following:

- Annual Certified Inspection Reports on file for four slurry cells and six sediment ponds. These inspections were dated December 1993 which is the anniversary date.
- Quarterly inspection reports for second quarter covered six sediment ponds and four slurry cells. As related to the third quarter the records show:
 - ▶ Weekly inspections of MSHA impoundments which includes the east and west slurry cells were made weekly up to and including September 6, 1994. This included piezometer measurements/observations.
 - ▶ At the closeout, weekly inspections were discussed and the permittee provided weekly inspections up to 10/21/94.

Outstanding violations

Three violations are currently pending including:

- 1) N93-13-1-1, Permit Submittal/Submitted 9/30/94.
- 2) N93-32-5-2, Coarse Refuse Road/acid & toxic/field work completed.
- 3) N93-26-4-1, Railcut Diversion/still pending/ within abatement period.

Permittee requested an extension of interim abatement measure relating to diversion redesign. Approved the extension and prepared the necessary paperwork.

MSHA Permits

Cover the following structures:

Refuse pile 1211-UT-09-01813-02,
Clear Water Pond 1211-UT-9-0012,
West Slurry Cell 1211-UT-9-0013

INSPECTION REPORT
(Continuation sheet)

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Topsoil Piles

Nine topsoil piles are of record. Most of the disturbed area was involved with pre-SMCRA disturbances and no topsoil was removed or stored. The nine areas mentioned above are associated with post-SMCRA disturbances.

Fish Inventory included in the MRP and covers surveys conducted in 1993 and 1994.

Vegetation Monitoring is of record and covers 19 sites for C.Y. 1992 and 1993. The most recent report was performed by Mt. Nebo/Collins.

Road Classification & Certification, is contained on plate 5-2 of the 9/30/94 MRP submission.

FIELD OBSERVATIONS

2. Signs and Markers -

Additional perimeter markers were installed on the crusher disturbed area.

4a. Diversions -

Since the last inspection the operator has initiated a general routine maintenance program on ditches and culverts.

4b. Sediment Ponds -

Most of the sediment ponds contained runoff. None of the ponds discharged based on records and information gathered in the field.

16a. Roads -

Construction has been completed on decommissioning the coarse refuse road. The area has been backfilled. During the inspection, the contractor was installing the erosion matting on slopes greater than 2:1.

Copy of this Report:

Mailed to: David Pearce (CoGen) Bernie Freeman (OSM)
Given to: Joe Helfrich (DOGM) Filed to: Price Field Office
Date: October 26, 1994

Inspector's Signature and Number:

Wm. J. Malencik 10/27/94 #26
Wm. J. Malencik