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

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April 26, 1995

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Approved 4/28.*

TO: Daron Haddock, Permit Supervisor

TO: J.Randell Harden, Senior Reclamation Engineer

FROM: Henry Sauer, Senior Reclamation Soils Specialist *HS*

RE: Amendment 95C: Refuse Pile Drilling and Characterization of the Acid- and Toxic- Forming and Alkalinity Producing Potential of the Refuse Pile and Slurry Ponds, Sunnyside Refuse and Slurry, Sunnyside Cogeneration Associates, ACT/007/035, Carbon County, Utah

**SYNOPSIS**

The permittee has submitted (received April 12, 1995) a revised drilling program for the characterization of the acid- and toxic- forming and alkalinity producing potential of the Sunnyside Coarse Refuse Pile and Slurry Ponds. The characterization of the acid- and toxic- forming and alkalinity producing potential of the Sunnyside Coarse Refuse Pile and Slurry Ponds is a requirement of Permit Findings Document dated February 4, 1993, Condition #18 **R645-301-731-300 (HS)** and Notice of Violation N94-13-2-1.

The permittee proposed (March 1, 1994) a refuse drilling program to determine the acid-and/or toxic-forming potential of the refuse material (Appendix 6-5). Except for some minor changes this proposal was technically adequate (See technical memo dated March 7, 1994). The drilling program proposed eleven drill holes. Samples were to be collected and analyzed through the full length of the drill holes. This plan was a synthesis of the Division's proposal (see memo to file dated February 2, 1994), Eckoff, Watson and Preator Engineer's original proposal (dated September 15, 1993) and discussions held between these entities on February 2, 1994.

The Division then received a letter (hand delivered on August 26, 1994) from the law firm of Callister Nebeker & McCullough (CN&M), representing Sunnyside Cogeneration Associates (SCA). The letter requested an exemption from the requirement to characterize the acid- and toxic- forming and alkalinity producing potential of the coarse refuse pile and slurry ponds.



Upon receipt of the aforementioned request this writer sent a technical memo (dated September 6, 1994) to Division Director Jim Carter. Relevant regulatory requirements and technical issues were thoroughly reviewed by this writer and a request for an immediate negative response to the permittee's waiver proposal was recommended.

In a letter addressed to Mr. David R. Pearce, representing Sunnyside Cogeneration Associate (dated November 16, 1994) the Division Director recommended that Division Staff and representatives of SCA meet to discuss the drilling and characterization program. The Division was later informed (See letter from Alane E. Boyd {Eckoff Watson & Preator [EW&P]} to James W. Carter dated January 30, 1995) that NRG Energy Inc. and Bobcock & Wilcox were the new owners and operators of the Sunnyside refuse and slurry facility.

On February 21, 1995 representatives of the Division (i.e. Lowell Braxton, J.Randell Harden, Joe Helfrich and Henry Sauer) staff met with representative of NRG Energy Inc. and Bobcock & Wilcox and EW&P. In this meeting the Division allowed the permittee to propose an alternative (March 8, 1995) to the previously approved drilling and characterization plan.

In a meeting held on March 22, 1995 the permittee, EW&P and myself discussed and revised the March 8, 1995 proposal. Subsequent to this meeting the permittee submitted a new proposal on April 12, 1995.

In the interest of addressing the protracted permit issues it is imperative that the refuse drilling and characterization program be implemented as soon as possible. Therefore, the April 12, 1995 drilling program proposal is an acceptable alternative to the previously approved drilling program. However, addition analyses and investigations may be subsequently required to fulfill the requirements of the R645-301 and R645-302 Coal Mining Rules.

#### **RECOMMENDATION**

Approve amendment ACT/007/035-95C.

CC: Ken Wyatt  
Susan White