



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

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September 27, 2000

Randy Scott, Plant Manager
Sunnyside Cogeneration Association
P.O. Box 10
East Carbon, Utah 84520

Re: Results of the Midterm Permit Review, Sunnyside Cogeneration Association, Sunnyside Refuse and Slurry, ACT/007/035-MT00, Outgoing File

Dear Mr. Scott:

The Division has completed a review of the Sunnyside Refuse and Slurry facility as required by R645-303-211. You should recall that the items under review were as follows:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee-initiated plan changes are appropriately incorporated into the plan document.
3. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. The Division will conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

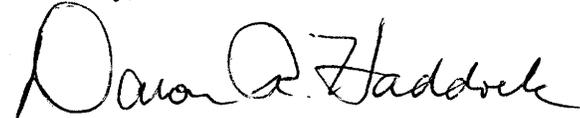
The results of the review are contained in the enclosed review document. You will note that there are three items that need your further attention. The first deals with deficient plans and designation of BTCA areas. Additional information will need to be provided in the form of an

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amendment to address BTCA areas at the SCA facility. The second and third issues deal with maintenance of sediment control 1) along the road leading to the rail cut pond and 2) at the inlet to the clear water sediment pond. Please ensure that the maintenance gets completed as outlined as soon as possible. The amendment for the BTCA areas should be submitted by no later than October 27, 2000.

If you have any questions regarding these requirements or the Midterm Review please don't hesitate to call.

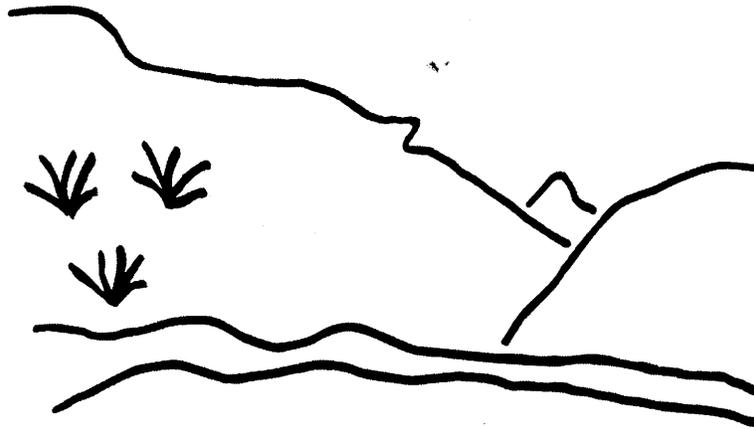
Sincerely,



Daron R. Haddock
Permit Supervisor

drh/sm
Enclosure:
cc: Price Field Office
O:\007035.SRS\FINAL\DefMT00.wpd

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Sunnyside Cogeneration Associates
Midterm Permit Review
ACT/007/035- MT00
September 26, 2000

ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30CFR773.22; 30CFR778.13; R645-301-112

Analysis:

The Division approved amendment # 00A and incorporated the updated corporate structure information on March 22, 2000. The AVS inquiry conducted September 7, 2000 identified three additional Companies and associated owners and controllers in addition to the information listed in the amendment. The companies were no longer affiliated with SCA as of 10/21/1999 according to Keith Harrison , OSM/AVS.

Findings:

According to Rusty Netz/SCA, the three companies, (Kaiser Power of Sunnyside Inc., Environmental Power Corp. and Kaiser Systems Inc.), are no longer affiliated with the corporate structure listed in chapter one of the operation and reclamation plan. Keith Harrison/AVS has provided the Division with end dates for the three companies.

VIOLATION INFORMATION

Regulatory Reference: 30CFR773.15(b); 30CFR773.23; 30CFR778.14; R645-300-132; R645-301-113

Analysis:

There are no outstanding notice of violation abatement plans for the Cogeneration facility. There have not been any violations issued since 1997.

Findings:

The Cogeneration facility has met the regulatory requirements for this portion (item #2) of the midterm review.

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL

Regulatory References: 30 CFR773.17; R645-300-140; R645-300-145.

Analysis:

The permit was renewed February 4, 1998 and expires February 4, 2002.

Findings:

There are no special conditions or stipulations attached to the current permit. The permittee-initiated plan changes have been incorporated into the plan document. The Cogeneration facility has met the regulatory requirements for this portion (item#2) of the midterm review.

CONTEMPORANEOUS RECLAMATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.100; R645-301-352, -301-553, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

According to the 1999 annual report and site visit on August 22, 2000 no Contemporaneous Reclamation has occurred. Reclamation of the two slurry cells and the clear water pond will commence when the areas are decommissioned in approximately two years based on current projections.

Findings:

For the purposes of this review the status of Contemporaneous reclamation practices has been evaluated and documented as described in item #4.

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: R645-301-742.231

Analysis:

Other Treatment Facilities

The site currently has three areas which implement "best technology currently available" practices. These are:

- 1) The area north and west of the clear water pond (adjacent to slurry cells #1 and #2);
- 2) The reclaimed area directly South of the East and West slurry cells known as the "old coarse refuse haul road". This area was reclaimed in 1995; reestablished vegetation and silt fences in strategic locations currently provide sediment control.
- 3) The third and final BTCA area lies NE of the coarse refuse toe pond, on the east side of the Carbon County Railway line, but on the South side of the drainage to which the seep at the base of the coarse refuse pile (monitoring point known as "CRS") reports. Sediment control in this area is provided by berms, vegetation, and a silt fence at the flow discharge point, (directly to an essentially undisturbed drainage).

The Table of Contents for the Sunnyside Cogeneration Associates mining and reclamation plan indicates that Book 4, Chapter 10, Section 10.5.2 supposedly discusses methods for sediment control. This is where one would supposedly find information relative to BTCA areas. Book 4 of the Price Field Office copy of the Sunnyside Co-gen MRP does not contain a Section 10.5.2 nor a Chapter 10.

Book 4, Chapter 7, Hydrology contains information relative to erosion control for the old coarse refuse road reclamation (which is the second area described above and supposedly uses BTCA methods for sediment control). The information is P.E. certified by Alane Boyd of Eckhoff, Watson and Praetor and confirms that the silt fence which is constructed as indicated on Plate 7-18 is effective to control the sediment from the reclaimed disturbance.

Although a Plate 7-18 exists, Plate 7-18 is plan view and cross section of the **coal pile sedimentation pond**. The correct map which shows the old coarse refuse pile haul road reclaimed area and its associated sediment control methods are maps 7-1B and 7-1C. The requirement of R645-301-731.720 has been met, but the text relative to the erosion control needs to be revised to point an individual toward the correct map. Also Book 4A uses the same designations (i.e., 7-1A) to refer to "plates" or "sheet numbers". These are both drawings of areas within the permit, but great confusion is

generated.

- 4) Map (or rather sheet numbers) 7-1B and & 7-1C specifically delineates the area of the watershed (old coarse refuse haul road reclaimed area) which is implementing BTCA methods as treatment. Silt fences and/or straw bale locations are depicted, but flow paths are not. A down gradient flow path is realized, but P.E. certified BTCA maps generally show how flow paths are to report to the treatment facilities. The drawing is P.E. certified and the erosion control design meets the requirements of 731.720 and 301-512. Field conditions, however, do not correspond with plan depiction.
- 5) Map 7-1E depicts the BTCA area which is north and west of the clearwater pond, UPDES point 004A. Straw bales are depicted, but the general treatment here is vegetation. This area also encompasses the clear water pond topsoil stockpile which utilizes designed berms to preserve the resource. The 8/22/2000 field inspection showed that the straw bales appear to have been in place for a long time. The permittee should perform a vegetation density/diversity analysis along with a SEDIMOT or SEDCAD analysis to confirm that this method of treatment is capable of meeting effluent limitations prior the area's runoff sheet flowing from the permit area. The permit boundary here is immediately due west of this BTCA. It should be pointed out that the sheet flow runoff reports to identical filtration conditions immediately off permit.
- 6) BTCA area #3 lies at the NNW toe of the coarse refuse pile, directly east of the abandoned Carbon County Railway track, and south of the drainage to which flow from the coarse refuse seep reports. Design calculations for the 36-inch culvert which carries both disturbed (this BTCA) and undisturbed flow from the watershed north of the drainage can be found in the Cogen mining and reclamation plan. However, the area which is considered to be BTCA #3 is included as part of these calculations. The design for the 36-inch culvert which reports this flow under the Carbon County Railroad thence to the Iclander Creek is P.E. certified., but there is not a P.E. certified design for this BTCA area.

Plate 7-1B shows the area; same is not cross hatched as are the other two BTCA's as depicted on Maps 7-1A, 7-1C, and 7-1E. Map 7-1B contains a note "APPROXIMATE LOCATION SILT FENCE", but there is no arrow which indicates where this location is. The 8/22/2000 field tour indicated that the silt fence which is in place lies adjacent to the inlet of the 36-inch CMP which routes the flow under the railroad bed.

For this BTCA, the permittee should confirm that the treatments which are being utilized here, (the silt fence and vegetation), are adequate to meet effluent limitations where the flow from the BTCA enters the drainage (off permit). Vegetation is fair to good immediately east of the rail bed, but is thin to nonexistent where the Mancos shale is prevalent. To accomplish this, a vegetative analysis may be necessary. If the permittee desires to only consider the silt fence as the necessary treatment, then same must be shown

to be adequate by a professional engineer utilizing a SEDCAD or SEDIMOT analysis. This will determine if the requirements of R645-301-742.231 are being met.

Diversions (Roads)

The road going to the rail cut pond is in need of maintenance. It was the DOGM recommendation that water bars be installed and the interior ditch be repaired.

Impoundments

There are eleven water impoundments on the Cogen property. Four are slurry cells and the balance are sediment ponds.

Slurry cells 1 & 2 have been decommissioned and approved to have coal spoil deposited in them as in the approved design. The east slurry cell is not active. The west slurry cell is active and where the current mining is taking place.

The clear water sediment pond is in need of repair. The inlet has eroded. The suggested repair was to install a gradation of angular riprap and grout the inlet with concrete.

Findings:

R645-301-742.231, Two of the three areas which have been reported as BTCA areas have not had sufficient analyses performed (design and treatment analysis) to qualify them as such. Although the area of BTCA #3 is shown on P.E. certified sheet number 7-1B, the area **is not designated as a BTCA**. No sediment analysis for this area can be found in the MRP. No sediment analysis can be found for the designated BTCA area which is adjacent to the clear water pond. The only sediment analysis which can be found in the current plan is for the old coarse refuse haul road reclamation, which has been generally referred to in this document as BTCA #2. Problems exist with BTCA #2 as current field conditions do not match what is shown in the MRP, (i.e., silt fence locations). This fact voids the P.E. certification of sheet numbers 7-1A and 7-1C.

R645-301-742.400, The road going to the rail cut pond is in need of maintenance. It was the DOGM recommendation that water bars be installed and the interior ditch be repaired.

R645-301-743, The clear water sediment pond is in need of repair. The inlet has eroded. The suggested repair was to install a gradation of angular riprap and grout the inlet with concrete.