

**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT**

**For  
PERMIT RENEWAL**

**Sunnyside Cogeneration Associates  
Sunnyside Refuse and Slurry  
C/007/035  
Carbon County, Utah**

**February 4, 2003**

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File in:

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Refer to Record No. 0006 Date 02/21/2003

In C0070035-2003 West Goering

For additional information

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

OK

Michael O. Leavitt  
Governor  
Robert L. Morgan  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340 telephone  
(801) 359-3940 fax  
(801) 538-7223 TTY  
www.nr.utah.gov

**COPY**

February 21, 2003

Randy Scott, Plant Manager  
Sunnyside Cogeneration Association  
P. O. Box 159  
Sunnyside, Utah 84539

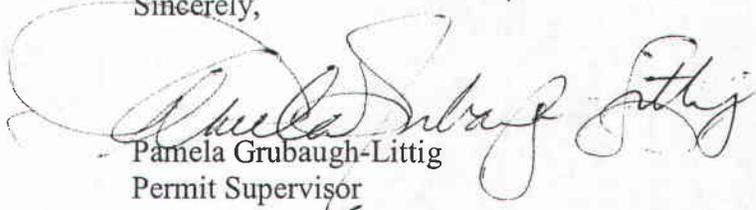
Re: Five-Year Permit Renewal, Sunnyside Cogeneration Association, Sunnyside Refuse and Slurry, C/007/035-RN02, Outgoing File

Dear Mr. Scott:

The above-referenced was approved on February 4, 2003. Enclosed is a stamped incorporated copy for your copy of the Mining and Reclamation Plan.

If you have any question, please feel free to call me at (801) 538-5268.

Sincerely,

  
Pamela Grubaugh-Littig  
Permit Supervisor

an  
Enclosure

cc: Mark Page, Water Rights w/o  
Dave Ariotti, DEQ w/o  
Derris Jones, DWR w/o  
Price Field Office

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Date: 02/21/2003 For additional information

## **ADMINISTRATIVE OVERVIEW**

**Sunnyside Cogeneration Associates  
Sunnyside Refuse and Slurry  
C/007/035  
Carbon County, Utah**

**February 4, 2003**

### **BACKGROUND**

The initial permit for the Sunnyside operation was issued on February 4, 1993. This permit allowed Sunnyside Cogeneration Associates (SCA) to conduct surface mining operation on a portion of the old Sunnyside Mine. Coal waste and slurry are recovered from the refuse piles and slurry ponds for use as fuel in the Sunnyside Cogeneration power plant.

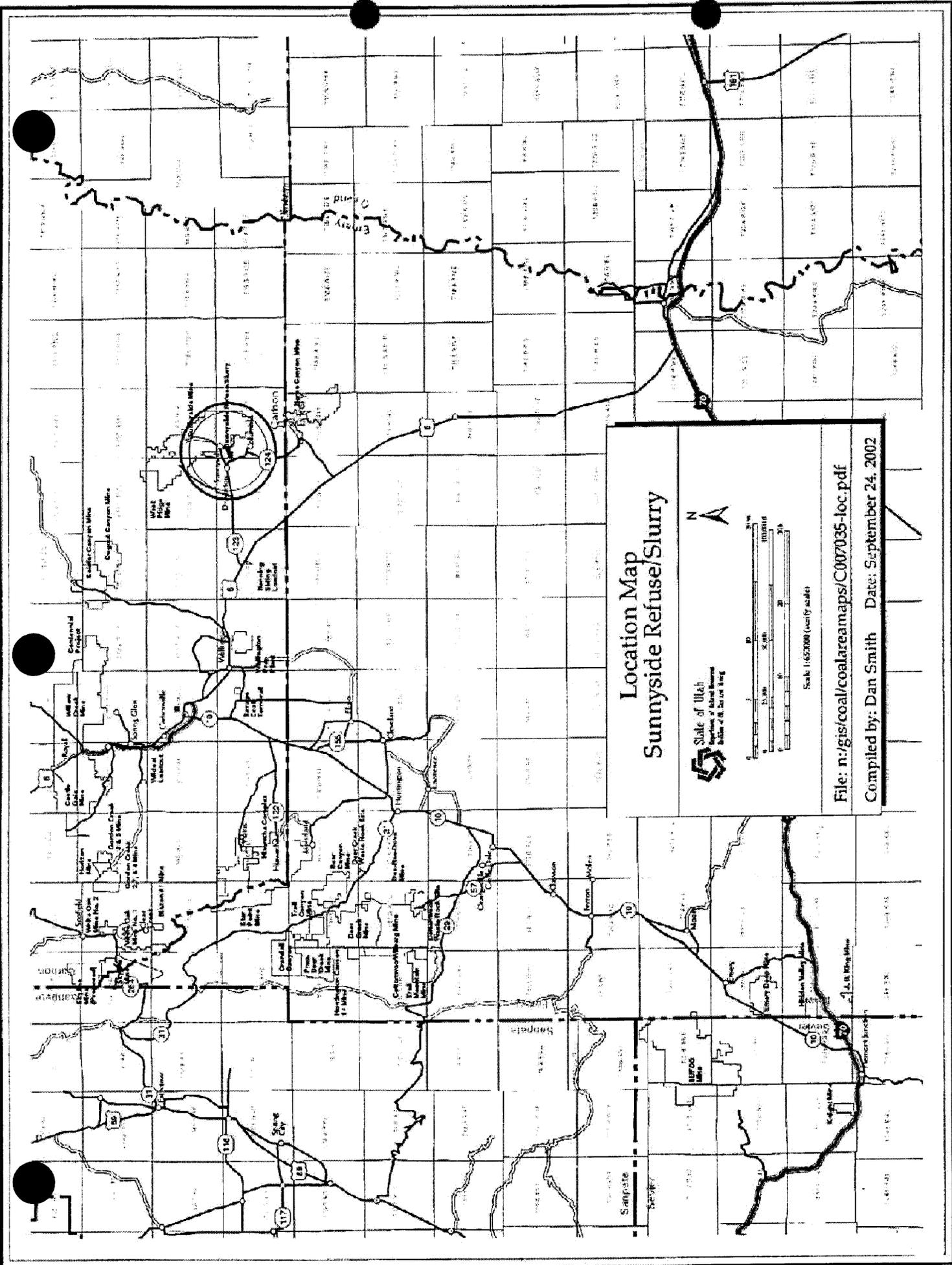
SCA made application to the Division of Oil, Gas and Mining for a five year permit renewal for the Sunnyside Refuse and Slurry Facility on October 2, 2002.

### **ANALYSIS**

The permittee has met the requirements for permit renewal. The notice of permit renewal was published in the Sun Advocate on December 3, 10, 17, and 24, 2002. No comments were received during the public comment period.

### **RECOMMENDATION**

Requirements for permit renewal have been met. Approval for this permit renewal is recommended.



# Location Map Sunnyside Refuse/Slurry



State of Utah  
Department of Natural Resources  
Bureau of Geology and Mineral Resources



File: <n:\gis\coal\coalareamaps\C007035-loc.pdf>

Compiled by: Dan Smith Date: September 24, 2002

## PERMITTING CHRONOLOGY

**Sunnyside Cogeneration Associates  
Sunnyside Refuse and Slurry  
Permit Renewal  
C/007/035  
Carbon County, Utah**

**February 4, 2002**

- October 2, 2002 Sunnyside Cogeneration Associates submits application for permit renewal.
- November 19, 2002 Division notifies Sunnyside Cogeneration Associates that the Sunnyside Refuse and Slurry permit renewal application is complete.
- December 3, 10, 17 and 24, 2002 The Sunnyside Refuse and Slurry permit renewal is published in the Sun Advocate for four consecutive weeks.
- November 22, 2002 Division notifies other federal, state and local agencies about the Sunnyside Refuse and Slurry permit renewal.
- January 24, 2003 End of public comment period.
- February 4, 2003 Division issues Decision Document and renewed state permit.

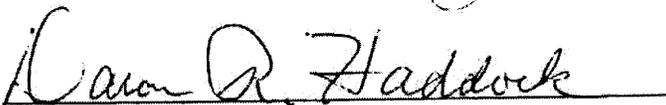
**PERMIT RENEWAL FINDINGS**

**Sunnyside Cogeneration Associates  
Sunnyside Refuse and Slurry  
C/007/035  
Carbon County, Utah**

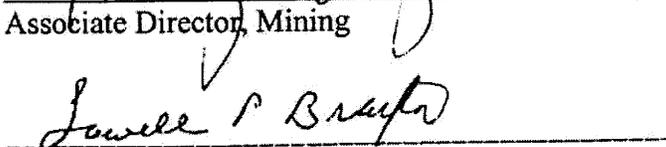
**February 4, 2003**

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being satisfactorily met (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The permittee has provided evidence of having liability insurance (Liberty Mutual Fire Insurance Company, policy number TB2-691-518993-322)(R645-303-233.140).
6. The permittee has posted a reclamation performance bond in the form of Treasury Securities in the required amount of \$1,747,000. This instrument will remain in full effect for the additional permit period. No additional surface disturbances are approved with this renewal (R645-303-233.150).
7. The permittee has submitted all updated information as required by the Division at this time. (R645-233.160).

  
Permit Supervisor

  
Permit Supervisor

  
Associate Director, Mining

  
Director

AFFIDAVIT OF PUBLICATION

*Felder*  
*Jacobs*  
*C/007/035*  
*Copy From* ✓

STATE OF UTAH)

ss.

County of Carbon,)

I, Ken Larson, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 3rd day of December, 2002, and that the last publication of such notice was in the issue of such newspaper dated the 24th day of December, 2002.

*Ken G. Larson*  
Ken G Larson - Publisher

Subscribed and sworn to before me this 24th day of December, 2002.

*Linda Mayn*  
Notary Public My commission expires January 10, 2003 Residing at Price, Utah

Publication fee, \$ 376.32

**PUBLIC NOTICE**

Notice is hereby given as required by the Utah Coal Mining Rules, R745-300-121 that Sunnyside Cogeneration Associates, P.O. Box 10, East Carbon, Utah 84520, has filed an application to permit Waste Coal Mining. Approval of this application will allow Sunnyside Cogeneration Associates to operate the Sunnyside Waste Coal Pile project under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area is comprised on 323.95 acres of fee land and is located in Carbon County, Utah, just off Hwy. 123. The proposed permit area will not affect any County or State road in anyway. The entire property is located within lands shown on USGS 7.5 minutes "Sunnyside" Quadrangle map and described as:

Township 15 South, Range 14 East, SLB&M  
Section 6: Portions of S1/2 and SE1/4 of NE1/4  
Section 7: portions of N1/2

Detailed maps of the permit area are included as Exhibits to the application.

Copies of the permit will be available for inspection at the following locations:

Utah Division of Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114

Carbon County Courthouse  
120 East Main Street  
Price, Utah 84501

Mining activities were previously permitted by Permit C/007/035 dated February 4, 1998.

Written comments, objections or requests or an informal conference regarding this application must be submitted within 30 days of the last publication date of this notice, to the Utah Division of Oil, Gas and Mining, Attention Coal Regulatory Program, 1495 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801

Published in the Sun Advocate December 3, 10, 17 and 24, 2002.

LINDA THAYER



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

1594 West North Temple, Suite 1210  
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Salt Lake City, Utah 84114-5801  
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www.nr.utah.gov

Michael O. Leavitt  
Governor  
Robert L. Morgan  
Executive Director  
Lowell P. Braxton  
Division Director

February 3, 2003

To: File

From: Pamela Grubaugh-Littig, Permit Supervisor 

Re: 510 (c) Recommendation for Permit Renewal, Sunnyside Refuse and Slurry, Sunnyside Cogeneration Associates, C/007/035, Outgoing File

As of this writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected for the Sunnyside Refuse and Slurry Mine. There are no finalized civil penalties, which are outstanding and overdue in the name of Sunnyside Cogeneration Associates. Sunnyside Cogeneration Associates does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is a quality check recommendation from the OSM Applicant Violator System with no violation noted.

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NON-FEDERAL

PERMIT  
C/007/035

February 3, 2003

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple  
Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5340

This permit, C/007/035, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOG M) to:

Sunnyside Cogeneration Association  
1 Power Plant Road  
Sunnyside, Utah 84539  
(435) 888-4476

for the Sunnyside Refuse/Slurry. Sunnyside Cogeneration Associates is the lessee of federal, state and fee-owned property. A performance bond is filed with the DOGM in the amount of \$1,747,000.00, payable to the state of Utah, Division of Oil, Gas and Mining. DOGM must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on 323.95 acres of fee land on the following described lands within the permit area at the Sunnyside Refuse/Slurry situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 14 East, SLBM  
Section 6: Portions of S1/2 and SE1/4 of NE1/4, and  
Section 7: Portions of N1/2.

This legal description is for the permit area of the Sunnyside Refuse/Slurry included in the mining and reclamation plan. The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of the leases, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on February 4, 2003 and expires on February 4, 2008.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R645-303.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
  - (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- (a) accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - (b) immediate implementation of measures necessary to comply; and
  - (c) warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.
- Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a) in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
  - (b) utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENT** - The permittee shall pay all reclamation fees required by 30 CFR part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

Sec. 17 **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.

Sec. 18 **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

**THE STATE OF UTAH**

By: Jawell P Braxton

Date: 2/8/03

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
**Authorized Representative of  
the Permittee**

Date: \_\_\_\_\_

Attachment A

**SPECIAL CONDITIONS**

1. Sunnyside Cogeneration Associates will submit water quality data for the Sunnyside Refuse and Slurry Mine in an electronic format through the Electronic Data Input web site.