

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 11, 2005

TO: Internal File

FROM: Karl R. Houskeeper, Environmental Scientist III, Team Lead

RE: Excess Spoil Disposal Area #2 Design Revision, Sunnyside Cogeneration Association, Sunnyside Refuse/Slurry, C/007/0035, Task ID #2223

SUMMARY:

The Division received an application for Excess Spoil Disposal Area #2 Design Revision on April 18, 2005. The operator wants to place additional material in the disposal area by increasing the slopes of the disposal area. Currently the #1 and #2 slurry cells have been filled with excess spoil to ground level, the clear water pond has not been filled with excess spoil. The current plan allows 5% slopes. Proposed changes would allow 15 to 20% slopes.

This memo addresses the administrative section of the amendment.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

A change in the resident agent has taken place and needs to be updated in the approved Mining and Reclamation Plan (MRP).

Changes have taken place with the owners and controllers of Sunnyside Refuse and Slurry. Information contained in the approved Mining and Reclamation Plan (MRP) is outdated.

TECHNICAL MEMO

Findings:

R645-301-112, Page 100-1 The Resident Agent information needs to be updated. Page 100-3 Ownership and Control Information for CP Sunnyside I, Inc. needs to be updated. Page 100-4 Ownership and Control Information for Sunnyside II, Inc. and Sunnyside III, Inc. needs to be updated.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

No violations have been issued to Sunnyside Refuse and Slurry within the last three years. Sunnyside Cogeneration Association has another facility Star Point Waste Fuel C/007/0042. A violation (NOV No. N04-49-3-1) was issued to the Sunnyside Cogeneration Association, Star Point Waste Fuel on February 26, 2004. This information needs to be incorporated into the Sunnyside Refuse and Slurry permit.

Findings:

R645-301-113.300, A list of all violation notices received by the applicant during the three year period preceding the application date must be provided for any mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. Notice of Violation (NOV No. N04-49-3-1) was issued to the Sunnyside Cogeneration Association, Star Point Waste Fuel on February 26, 2004. This information needs to be incorporated into the Sunnyside Refuse and Slurry permit.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

Information on Right of Entry is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

Information on the Legal Description and Status of Unsuitability Claims is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

Information on the Permit Term is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

TECHNICAL MEMO

Analysis:

Information on Public Notice and Comment is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section or public notice and comment for the proposed amendment.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application. The proposed changes do not require public notice and/or comment.

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

Information on the Filing Fee is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application. A filing fee is not required for a permit amendment.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

Information on the Permit Application Format and Contents is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

Information on the Reporting of Technical Data is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

Information on Maps and Plans is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

TECHNICAL MEMO

Analysis:

Information on Completeness is contained in the approved Mining and Reclamation Plan (MRP). This application does not require a change or update to this section.

Findings:

Information contained in the approved Mining and Reclamation Plan (MRP) met the minimum requirements of this section and no changes have occurred by this application.

RECOMMENDATIONS:

This application should be denied until the deficiencies and requirements of **R645-301-112** and **R645-301-113.300** have been met.