



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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November 12, 2002

TO: Internal Files

THRU:  Priscilla W. Burton, Sr. Reclamation Specialist/Soils, Team Lead

FROM: Karl R. Houskeeper, Sr. Reclamation Specialist *KRH by an*

RE: Star Point Refuse Mine, Sunnyside Cogeneration Associates, Star Point Refuse Mine, C/007/042-PM02A-1

SUMMARY:

The Division received a permit application for the Star Point Refuse Mine on April 1, 2002. On June 24, 2002, the Division determined the application for the Star Point Refuse Mine to be Administratively Complete. The approval of the ACR requested immediate modifications of the Permit Application by July 28, 2002 and allowed public notification to take place upon receipt of the letter.

SCA requested an extension of the July 28, 2002 deadline. On September 23, 2002, the Division received the modifications requested in the ACR review. Information submitted in the PAP and subsequent revisions for section 1 met the requirements of the coal rules, except for the insurance form.

The form listed Plateau Mining as the certificate holder and not the State of Utah, Division of Oil, Gas, and Mining. The language in the cancellation clause on the insurance form contained "will endeavor to mail...". The insurance policy was expired.

The appropriate changes have been made to the insurance form and the insurance form has been incorporated into the permit application.

TECHNICAL MEMO

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

The applicant, Sunnyside Cogeneration Associates (SCA), is a Utah joint venture between Sunnyside Holdings I, Inc. and Sunnyside II, L.P. Information regarding these entities and other parent or controlling corporations is described in Section 112.100 of the MRP.

The appropriate information regarding the applicant, resident agent, abandoned mine reclamation fee, owners, controllers, exc. is contained in the application.

Surface and mineral property information, MSHA numbers, and the applicant's interest in contiguous lands are contained in the application.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

VIOLATION INFORMATION

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

Analysis:

The applicant, any of the applicant's subsidiaries, affiliates or persons controlled by or under common control with the applicant has not had a federal or state mining permit suspended or revoked in the last five years or has forfeited a mining bond or similar security deposited in lieu of bond.

Sunnyside Cogeneration Associates have not received any notice of violations from the Division within the three-year period prior to the application.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

RIGHT OF ENTRY

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

Analysis:

Documentation of the applicant's right of entry are contained in Exhibits 114.100a, 114.100b, and 114.200a.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit 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:

Map 111.100a, SCA/Star Point Waste Fuel Permit Boundary Survey, indicates the permit boundary, contains a written legal description, is of proper scale, and contains a north arrow.

Section 115 of the proposed MRP indicates that the Star Point Permit Area is not an area designated unsuitable for coal mining and reclamation operations nor is the area under review. Carbon County Road 290 is within 100 feet of the permit area. The road is on the north side of the refuse pile and runs in an east-west direction. The road is indicated on maps 521.100a and 521.100b. Proximity to the road was mentioned in the public notice (see Exhibit 115.300a). A separate public notice of a public meeting was published concerning the proximity to the public road, but lack of response canceled the meeting (Exhibit 115.300a).

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

TECHNICAL MEMO

PERMIT TERM

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

Analysis:

The permit term is for a period of five years. The permit will be issued once the application is considered technically adequate. The operation is anticipated to last for the next 20–30 years, during which time removal of the refuse pile to be used as a fuel source at the Sunnyside Power Plant will occur.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

PUBLIC NOTICE AND COMMENT

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

Analysis:

Exhibit 117.200b contains the proof of publication as required by the coal rules.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

FILING FEE

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

Analysis:

The required fee of \$5.00 was submitted with the permit application.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

PERMIT APPLICATION FORMAT AND CONTENTS

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

Analysis:

The permit application format is acceptable to the Division. Each reviewer is assigned different sections within their disciplines to assure that the proper information is contained in the application. The information contained in the administrative section of the permit application meets the coal rules.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the Star Point Waste Fuel permit application.

REPORTING OF TECHNICAL DATA

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

Analysis:

The reporting of technical data needs to be evaluated by each reviewer for the section that they are assigned too. Section 100 of the permit application (administrative) does not contain any technical data and the coal rules do not require technical data for section 100.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit application, Star Point Waste Fuel C/007/042.

MAPS AND PLANS

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

Analysis:

The maps submitted in the permit application are presented in a consolidated format and to the extent possible contain the type of information that is set forth on U.S. Geological Survey. The maps meet the scale requirements set forth in the coal rules.

TECHNICAL MEMO

The waste fuel pile (refuse pile) resulted from underground mining. However the mining (excavation) of the pile now is considered surface mining. No designation of pre August 3, 1977 verses post August 3, 1977 are made on any of the maps, because all surface mining of the waste fuel pile will be considered post August 3, 1977.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit application, Star Point Waste Fuel C/007/042.

COMPLETENESS

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

Analysis:

The permit application is required to be complete and to include, at a minimum, the requirements under R645-301 and if applicable, R645-302. Section 100 of the permit application is considered to be complete. Each section in the permit application should be determined to be complete by the individual reviewer of that section.

Findings:

The requirements of this section of the regulations are considered adequate in regard to the proposed permit application, Star Point Waste Fuel C/007/042.

RECOMMENDATIONS:

Section 100 of the Star Point Refuse Mine application appears to meet all of the requirements of the coal rules. Portions of the coal rules pertaining to the administrative section transcend to other sections of the permit application as indicated in this memo. Care should be taken by other reviewers to assure that the coal rules pertaining to the administrative sections are met in the sections that are assigned to them.

It is recommended that the permit application be approved, contingent upon the approval of the remaining sections of the application.