

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 26, 2004

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TO: Internal File

FROM: Karl R. Houskeeper, Environmental Scientist III/Team Lead *KRH byan*

RE: Proposed Mining Alternatives, Sunnyside Cogeneration Association, Star Point Waste Fuel, C/007/042, Task ID #1885

SUMMARY:

The Division received an application to address new proposed mining alternatives on March 24, 2004. The application was submitted as the result of Notice of Violation N0. N04-49-3-1, issued February 26, 2004. The violation was issued for failure to follow the mining methods/operation plan in the approved mining and reclamation plan.

The application contains alternative mining methods, addition of a primary road, removal of culverts, and changes in the identification of interest's section. This memo addresses the proposed changes to the identification of interest's section.

It is important to note that the application also submits information that shows that the refuse pile MSHA ID No. 1211-UT-09-02334-01 has been abandoned by MSHA. A letter from MSHA dated January 28, 2004 states "The referenced refuse pile identification number will be removed from the mine file. MSHA inspection and reporting requirements no longer apply to the referenced structure." Conversations with Bill Taylor, MSHA Castle Dale Field Office Manager, indicates that the MSHA ID No. 1211-UT-09-02334-01 has been abandoned by MSHA, but that the Mine ID No. 42-02334 is still assigned to the site since there is a surface mining permit (C007/042) from the Utah Division of Oil, Gas and Mining. The inspection frequency currently set for the surface mining operation at Star Point Waste Fuel by MSHA is once every six months. MSHA also indicated that all surface mining regulations still apply to the mine site.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

Information submitted in the application included updated Directors and officers information for (CP Sunnyside I, Inc.), (Sunnyside II, Inc. & Sunnyside III, Inc.), (Colmac Sunnyside, Inc.), and (Sunnyside Holdings I, Inc.).

Changes were also made to section 112.700 MSHA Numbers. The changes stem from the fact that MSHA has abandoned the refuse pile and number associated with the refuse pile. However, MSHA still has a Mine ID number assigned to the mine site (MSHA Mine ID Number 42-02334). Information was provided by the permittee, from MSHA, to the Division to show the abandonment of the refuse pile. Section 112.700 needs to be modified to indicate that the MSHA Mine ID Number 42-02334 is still in effect and that MSHA still retains responsibility at this facility.

Findings

The information provided under section 112.700 is not accurate and needs to be modified to indicate the MSHA Mine ID Number 42-02334.

R645-301-112.700, The text under Section 112.700 needs to be modified to still show the MSHA Mine ID Number 42-02334 and that MSHA still retains jurisdiction under this number to enforce their regulations.

RECOMMENDATIONS:

Prior to approval the requirements of **R645-301-112.700**, must be provided as outlined above.