

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

#3598

OK

September 8, 2010

TO: Internal File

THRU: Kevin Lundmark, En Sci II, Reclamation Hydrologist, Team Lead *KWL*
Jim Smith En Sci III, Reclamation Hydrologist, Permit Supervisor *JS 13 Sep 2010*

FROM: Peter Hess, En Sci III, Reclamation Specialist, Bonding *PHH by SAS*

RE: ROADS D, F, and L, Sunnyside Cogeneration Associates, Star Point
Waste Fuel, C/007/042, Task ID # 3598

SUMMARY:

The Permittee submitted an application to permit three new primary roads within the current disturbed area having a total length (total of all three road lengths) of 0.25 miles. All roads will either provide ingress or egress from Carbon County road #290. The need for the three new roads is to increase loading efficiency for the haul trucks transporting the material to the Co-Gen plant in Sunnyside, Utah. According to the submitted plan, the roads will not be constructed for 1-2 years from the Division's date of approval.

TECHNICAL ANALYSIS:

RECLAMATION PLAN

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

General

The proposed locations for roads D, F, and L are depicted on Plates 534.100b and 534.100h. A field check of the proposed locations indicates that ancillary roads already exist in these areas. Therefore, the only changes made to the basic road design will be to surface the depicted areas with gravel or road base and change the road classification from ancillary to primary (R645-301-527.100).

Based upon the dimensions provided for the proposed road surfacing of primary roads D, F, and L, the Division estimates that approximately 7.5 tons of "road base" will be utilized (S.G. of material is 1.92).

Form of Bond

Two surety bonds in the amounts of \$ 651,000 and \$ 493,000, are held by the Division to ensure the reclamation of the Star Point Waste Fuel facility. Both are issued by the Rockwood Casualty Insurance Company, which has an A.M. Best rating of "A".

Determination of Bond Amount

The Division has determined that about 7.5 tons of road base will be used to meet the surfacing specifications depicted on the submitted design drawings.

In accordance with **R645-301-542.640**, the Permittee must remove or otherwise dispose of road surfacing materials which are incompatible with the post-mining land use and revegetation requirements.

The Star Point Waste Fuel mining and reclamation plan does not specifically address demolition costs for the removal of asphalt paving material from primary roads within the permit area. However, in Chapter 5, Page 500-27 contains the following "any non-coal mine waste defined as "hazardous" under Section under Section 3001 of the Resource Conservation and Recovery Act (RCRA) and 40 CFR 261 will be handled in accordance with the requirements of Subtitle C of RCRA and any implementing agency."

The disposal of gravel and road base material from any primary roads will be by dumping of the material into approved disposal pits within the permit area or at a State approved solid waste disposal area. As these commitments are contained within the approved MRP, it appears that the bonding costs have already been provided.

The three roads to be classified as primary in this application already exist and as such, the earthwork and re-vegetation costs to reclaim these areas are included in the

bond costs for the Star Point Waste Fuel reclamation. There is no need to recalculate or add additional reclamation costs into the bonding calculations.

Findings:

The bond estimate already in place is adequate to cover the three roads which are being permitted as primary. The Division should proceed with the approval of Task ID # 3598.

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