Outgoing
C0070042
C0070035
ok



## Suzanne Steab - 2009 Annual Reports

**From:** Suzanne Steab
**To:** rnetz@emerytelcom.net
**Date:** 1/12/2010 8:21 AM
**Subject:** 2009 Annual Reports
**Attachments:** Star Point Refuse C0070042.doc; Sunnyside Refuse Slurry C0070035.doc; 2009ARLetter.pdf

Attached are the Annual Reports for the Sunnyside and Star Point Refuses. Also attached is a letter outlining the Annual Report process.

Thanks.

Suzanne Steab, Office Specialist
Office of Oil, Gas and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
(801)538-5265
suzannesteab@utah.gov

JON M. HUNTSMAN, JR.
*Governor*

GARY R. HERBERT
*Lieutenant Governor*

# State of Utah

**DEPARTMENT OF NATURAL RESOURCES**

MICHAEL R. STYLER
*Executive Director*

**Division of Oil, Gas and Mining**

JOHN R. BAZA
*Division Director*

January 11, 2010

All Coal Operators

Subject: 2009 Coal Mining Annual Reports for Active and Inactive Coal Mines, Outgoing File

Dear Mine Operator:

Enclosed, please find an updated 2009 Annual Report document. This single document is to be used by the operator, the inspector, and the DOGM staff for reporting 2009 information about your mine. This Annual Report document is being sent in a format that is compatible with most word-processing programs, and you should be able to open the file and enter your information directly into the form electronically. When completed, it can be submitted to the Division electronically. If for some reason you cannot make use of this electronic format, please fill out two hard copies (one for the Salt Lake office and one for the PFO) and mail it to the Division at:

Utah Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
P. O. Box 145801
Salt Lake City, Utah 84114-5801

The 2009 Annual Report form includes entries for regulatory requirements, such as annual impoundment certification; however, many Mining and Reclamation Plans include unique, mine-specific commitments that also must be reported annually. The Division has compiled these commitments for each mine and incorporated them into a 2009 Annual Report form that is distinct for each mine. Both these commitments and the regulatory requirements need to be addressed in the 2009 Annual Report. Also, please be sure to submit the following items as part of the 2009 Annual Report:

1) Raptor and archeology reports marked as confidential and in a separate folder marked confidential (R645-300-124.300);
2) Mine map identifying mining in 2009 as well as the mining proposed for the next five years [PE Certified] (R645-301-512 and R645-301-521); and
3) Notices of Proposed Mining sent to water conservancy districts and all owners and occupants of surface property above the underground workings (R645-525.700).

All confidential information should be submitted in a separate file or folder marked "Annual Report Confidential Information. See Map Section in the Annual Report for a definition of confidential material.

Depending on the status of your mine (active or inactive), some of the sections of the annual report may not apply or may not require a response. Please note this in the report if this is the case.

Timing for the 2009 Annual Report submittal is outlined below.

- The Division will send out 2009 Annual Report forms by January 14, 2010.
- The Operator will submit the required information by March 30, 2010.
- The Inspectors will review 2009 Annual Report information in conjunction with a complete inspection by June 30, 2010. If required information is not included, the Division may initiate enforcement and compliance action.
- If the Inspector determines that more review is needed of a specific item, the Inspector will comment and forward the 2009 Annual Report to an assigned staff member.
- This additional review will be handled separately, as a Special Project, and completed by September 30, 2010.

If you have any questions, please call me at (801) 538-5325 or James D. Smith at (801) 538-5262.

Sincerely,

Daron R. Haddock

Daron R. Haddock
Permit Supervisor

Enclosure
O:\AnnualReport\2009 Annual Reports\Active Mines\Active 2009 AR Letter.doc

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendices to the Division by April 30, 2010. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

## GENERAL INFORMATION

| | |
|---|---|
| Permittee Name | Sunnyside Cogeneration Associates |
| Mine Name | Star Point Refuse (Waste Fuel) Pile |
| Operator Name (If other then permittee) | |
| Permit Expiration Date | November 14, 2013 |
| Permit Number | C/007/0042 |
| Authorized Representative Title | Mr. Michael J. Blakey, Plant Manager |
| Phone Number | (435)888-4476 |
| Fax Number | (435)888-2538 |
| E-mail Address | rnetz@emerytelcom.net |
| Mailing Address | One Power Plant Road PO Box 159 Sunnyside, Utah 84539 |
| Designated Representative | |
| Resident Agent | Mr. Michael J. Blakey |
| Resident Agent Mailing Address | Same as above. |
| Number of Binders Submitted | 2 |

Operator, please update any incorrect information.

## IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

| Permit Type | ID Number | Description | Expiration Date |
|---|---|---|---|
| MSHA Mine ID(s) | 42-023354 | Star Point Refuse Pile | |
| | Number remains active. | MSHA granted approval for final abandonment on January 28, 2004. Star Point Waste Fuel Mine has no MSHA qualifying facilities or structures. | |
| | | | |
| MSHA Impoundment(s) | None | | |
| | | | |
| NPDES/UPDES Permit(s) | UTR000604 | Multi-Sector General Permit | December 31, 2006 |
| | UTG040025 | Ponds 005, 006 and 009 | April 30, 2008 |
| PSD Permit(s) (Air) | None | | |
| | | | |

**Other**

| | | | |
|---|---|---|---|
| | | | |
| | | | |

| | | | |
|---|---|---|---|
| | | | |
| | | | |

Operator, please update any incorrect information.

## CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

| **Certified Reports:** | **Required** Yes | No | **Included** Included | **or** | **DOGM file location** Vol, Chapter, Page |
|---|---|---|---|---|---|
| Excess Spoil Piles | ☐ | ☐ | ☐ | | |
| Refuse Piles | ☐ | ☐ | ☐ | | |
| Impoundments | ☐ | ☐ | ☐ | | |
| **Other** | | | | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

| |
|---|
| Admin R645-301-100 |
| Soils R645-301-200 |
| Biology R645-301-300 |
| Landuse, Cultural Resources, Air Quality R645-301- 400 |

Engineering R645-301-500

Geology R645-301-600

Hydrology R645-301-700

**Title: COLLECTING AND REPORTING OF BASELINE DATA**
**Objective:** Compare Baseline Data Parameters.
**Frequency:** Every 5 years during low flow season of the year.
**Status:** Ongoing until Division releases from commitment.
**Reports:** Summary in Annual Report during monitoring year.
**Citation:** Chapter 7, page 7-34.

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments**:

Bonding & Insurance R645-301-800

**Other Commitments**

| | |
|---|---|
| | |
| | |

*Reminder: If equipment has been abandoned during 2009, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

## REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

| **Legal / Financial Update** | **Required** Yes | No | **Included or DOGM File location** Included | Vol, Chapter, Page | **Comments** |
|---|---|---|---|---|---|
| Department of Commerce, Annual Report Officers | ☐ | ☐ | ☐ | | |
| **Other** | | | | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |

**Operator Comments:**

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2009, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be

sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

| Map Number(s) | Map Title/ Description | | |
|---|---|---|---|
| Annual subsidence map | | | |
| Mine map | | | |
| Other maps | | **Confidential** Yes | No |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

**Additional attachment to this report**? **Yes** ☐ **No** ☐

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

# APPENDIX A

## Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

**CONTENTS**

# APPENDIX B

## Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

**CONTENTS**

# APPENDIX C

## Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

**CONTENTS**

# APPENDIX D

## Mine Maps

As required under R645-302-525-270

**CONTENTS**

# APPENDIX E

## Other Information

In accordance with the requirements of R645-301 and R645-302

**CONTENTS**

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendices to the Division by April 30, 2010. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

## GENERAL INFORMATION

| | |
|---|---|
| Permittee Name | Sunnyside Cogeneration Associates |
| Mine Name | Sunnyside Refuse/Slurry |
| Operator Name (If other then permittee) | |
| Permit Expiration Date | February 4, 2013 |
| Permit Number | C/007/0035 |
| Authorized Representative Title | Michael J. Blakey. Plant Manager |
| Phone Number | (435) 888-4476 |
| Fax Number | (435) 888-2358 |
| E-mail Address | rnetz@emerytelcom.net |
| Mailing Address | One Power Plant Road P.O. Box 159 Sunnyside, UT 84539 |
| Designated Representative | Michael J. Blakey |
| Resident Agent | Michael J. Blakey |
| Resident Agent Mailing Address | One Power Plant Road P.O. Box 159 Sunnyside, UT 84539 |
| Number of Binders Submitted | 2 |

Operator, please update any incorrect information.

## IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

| Permit Type | ID Number | Description | Expiration Date |
|---|---|---|---|
| MSHA Mine ID(s) | 42-02093 | Waste Coal Site | |
| | | | |
| | | | |
| MSHA Impoundment(s) | 1211-UT-09-02093-01 | Coarse Refuse Pile | |
| | 1211-UT-09-02093-02 | East Slurry Cell | |
| | 1211-UT-09-02093-03 | Excess Spoil Disposal Area #1 | |
| | 1211-UT-09-02093-04 | Excess Spoil Disposal Area #2 | |
| NPDES/UPDES Permit(s) | UT0024759 | | July 31, 2012 |
| | | | |
| PSD Permit(s) (Air) | 700030001 | Air Quality Title V Operating Permit | |
| | DAQE-AN0096020-06 | Latest Revised Permit | |

**Other**

| | | | |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

Operator, please update any incorrect information.

## CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

| **Certified Reports:** | **Required** Yes | No | **Included** Included | **or** | **DOGM file location** Vol, Chapter, Page |
|---|---|---|---|---|---|
| Excess Spoil Piles | ☐ | ☐ | ☐ | | |
| Refuse Piles | ☐ | ☐ | ☐ | | |
| Impoundments | ☐ | ☐ | ☐ | | |
| **Other** | | | | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

| |
|---|
| Admin R645-301-100 |
| Soils R645-301-200 |

**Title: EXCESS SPOIL (refuse) SAMPLING**
**Objective**: To evaluate the chemistry of the waste rock for the purpose of determining final cover depth requirement per R645-301-553.252.
**Frequency**: After completion of each 2 - 4 ft lift
**Status**: on-going
**Reports**: Annual Report
**Citation**: MRP chap 9, p. 900-12 and Appendices 9.5 and 9-7.

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments**:

Biology R645-301-300

**Title: MIGRATORY ROUTES**
**Objective:** To maintain large animal migratory routes where excavation related structures prevent necessary migrations.
**Frequency:** As needed.
**Status:** Ongoing.
**Reports:** Annual.
**Citation:** Book 2, chapter 3, page 300-14, paragraph 10

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments**:

**Title: EMPLOYEE AWARENESS PROGRAM**
**Objective:** To protect and enhance wildlife populations.
**Frequency**: As needed.
**Status:** Ongoing
**Reports**: Annual.
**Citation:** Book 2, chapter 3, page 300-15, paragraph 2.

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments**:

**Title: ANNUAL RECLAMATION**
**Objective:** To reclaim areas no longer needed for mining activities and reduce the acreage under the current reclamation cost estimate.
**Frequency:** Annually.
**Status:** Ongoing.
**Reports:** Annual.
**Citation:** Book 6, chapter 9, page 900-25, section 9.12, paragraph 2.

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments**:

**Title: ANNUAL RECLAMATION**
**Objective:** Excess Spoil Pile #2 will likely reach design height in the next six months (personal communication with Rusty Netz, Aug 5, 2009). I discussed with Rusty the final sampling of the waste pile on a per acre basis as described in the MRP and using the recommended analyses described in the Division Guidelines for Topsoil and Overburden.

**Frequency:** When maximum refuse pile height is attained.
**Status:** 2009 or 2010 .
**Reports:** Annual.
**Citation:** Book 6, chapter 9, page 900-25, section 9.12, paragraph 2.

**Operator:** Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☐ If yes, comment;
**Operator Comments:**

**Inspector:**
Has the operator complied with this commitment? Yes ☐ No ☐
**Inspector Comments:**

Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

**Other Commitments**

| | |
|---|---|
| | |
| | |

*Reminder: If equipment has been abandoned during 2009, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

## REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments:**

**Inspector:**

Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report

| **Legal / Financial Update** | **Required** Yes | No | **Included or DOGM File location** Included Vol, Chapter, Page | **Comments** |
|---|---|---|---|---|
| Department of Commerce, Annual Report Officers | ☐ | ☐ | ☐ | |
| **Other** | | | | |
| | ☐ | ☐ | ☐ | |
| | ☐ | ☐ | ☐ | |
| | ☐ | ☐ | ☐ | |

**Operator Comments:**

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2009, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

| **Map Number(s)** | **Map Title/ Description** | | |
|---|---|---|---|
| Annual subsidence map | | | |
| Mine map | | | |
| Other maps | | **Confidential** Yes | No |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

**Additional attachment to this report?** **Yes** ☐ **No** ☐

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

# APPENDIX A

## Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

**CONTENTS**

# APPENDIX B

## Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

**CONTENTS**

# APPENDIX C

## Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

**CONTENTS**

# APPENDIX D

## Mine Maps

As required under R645-302-525-270

**CONTENTS**

# APPENDIX E

## Other Information

In accordance with the requirements of R645-301 and R645-302

**CONTENTS**