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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 18, 2011

TO: Internal File

THRU: Jim Smith, Permit Supervisor *SIC*

FROM: April A. Abate, Environmental Scientist III *AAA*
5-19-2011

RE: Midterm Permit Review, Task ID #3814, Sunnyside Cogeneration Associates, Star Point Waste Fuel, Permit C/007/0042

SUMMARY:

Sunnyside Cogeneration Associates (SCA) acquired the coal refuse and associated subsoil cover material from Plateau Mining Corporation (PMC) at the Star Point Mine in 2003. The permit was issued on November 14, 2003 for surface mining of this coal refuse. SCA is mining the coal refuse material as a fuel source in its fluidized-bed combustion boiler at its cogeneration power plant facility located in Sunnyside, Utah.

On April 19, 2011 SCA was notified that the Division of Oil, Gas and Mining (the Division) had commenced a Midterm Permit Review for the Star Point Waste Fuel site. The following list of items was slated for review:

- A. Review of the Plan to ensure that the requirements of all permit condition, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) are appropriately incorporated into the Plan document.
- B. Ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. Review applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.

D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.

E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.

F. Evaluate the permit for compliance with variances or special permit conditions.

G. Optional for active mines, mandatory for reclamation only sites: conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

This memorandum includes a review of Items A and F along with a review of the R645-301-600 geology regulations against the information contained within Section 6 of the MRP.

RECOMMENDATIONS:

Midterm approval is recommended at this time.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT TERM

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

Analysis:

The permit renewal was issued on November 14, 2008 for a 5-year term.

Findings:

The Permittee was notified on April 19, 2011 that a midterm permit review would commence and would be completed by May 19, 2011.

COMPLETENESS

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

Analysis:

The MRP was cross checked with the regulations to determine if all information presented in the geology section of the rules was complete.

A review of any significant permitting amendments pertaining to geology was conducted since the November 14, 2008 permit renewal date.

The special conditions section of the issued permit was reviewed to determine if any special permit conditions were outlined pertaining to the geology regulations.

Findings:

The R645-301-600 section of the MRP was found to be complete and meets the Utah Coal Rules. No permitting amendments that would require the application of the geology regulations have been submitted to the Division since the permit renewal date. The only special condition in the permit relates to the requirement to submit water quality data electronically to

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the Division website. No permit conditions relating to the geology regulations are listed in the permit.

RECOMMENDATIONS:

Midterm approval is recommended at this time.

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