

#3814
K

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

May 19, 2011

TO: Internal File

THRU: Kevin Lundmark, Team Lead *KWL*

FROM: Ingrid Campbell, Environmental Scientist II *IC*

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

SUMMARY:

On April 19, 2011, the Division notified Sunnyside Cogeneration Associates (SCA) of the commencement of the midterm permit review for Star point waste fuel refuse. The following items were listed in the notification as potential review items:

- 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.

The Midterm review is complete. The permittee must submit the following information for incorporation into the M&RP in accordance with:

R645-301-322.210: Please update tables 322.210a & b to provide a current list of Threatened, endangered and candidate species and their potential to occur in the permit area.

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Fish and wildlife information for the star point refuse can be found in book 2 of 5 of the M&RP, Section 3. Table 322.210a and b (page 300-15) list threatened, endangered and candidate species and their potential to occur on the refuse site. This list is not current.

Findings

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval, the permittee must submit the following as an amendment to the M&RP:

R645-301-322.210: Please update tables 322.210a & b to provide a current list of Threatened, endangered and candidate species and their potential to occur in the permit area.

RECOMMENDATIONS:

The midterm review is complete. However, the permittee must submit updated information to the M&RP.