

a

# 3814

Q

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

---

May 19, 2011

TO: Internal File

THRU: Jim Smith, Permit Supervisor *JCS*

FROM: Kevin Lundmark, Environmental Scientist II *KLW*

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

**SUMMARY:**

On April 19, 2011 Sunnyside Cogeneration Associates (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 items are included with this 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, C, D and F. No applicable changes have been made to the Utah Coal Regulatory Program subsequent to the most recent permit renewal (November 14, 2008); therefore, no action is necessary for Item B of the Review.

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**VIOLATION INFORMATION**

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

**Analysis:**

Review Item A includes a review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal. The Permit was most recently renewed November 14, 2008. No notices of violation or division orders have been issued, nor have any abatement plans or permit conditions been established, since permit renewal. There have been two permittee-initiated Plan changes since permit renewal: Change in Postmining Land Use (Task ID 3496) and Primary Roads D, F and L (Task ID 3667). The changes have been incorporated into the Plan.

Review Item D includes a review to 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). There are no unabated enforcement actions, outstanding penalties, or demonstrated patterns of violation for the permittee. An AVS check performed on May 2, 2011 for SCA (Entity No. 128991) found zero violations.

**Findings:**

No permit changes are required based on the Midterm Permit Review Items A or D.

**OPERATION PLAN**

**HYDROLOGIC INFORMATION**

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

---

TECHNICAL MEMO

---

**Analysis:**

**Water Monitoring**

Review Item F includes an evaluation of the permit for compliance with variances or special permit conditions. The permit contains one special condition (Permit Attachment A): the permittee must submit water quality data for the Star Point Waste Fuel Mine in an electronic format through the Division's Electronic Data Input (EDI) web site. Water monitoring performed at the site includes only the required UPDES monthly monitoring at permitted outfalls. The permittee has submitted their UPDES monitoring data regularly in an electronic format using the Division's EDI web site.

**Sediment Control Measures**

Review Item C includes a review of 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. No changes to sediment control methods have been made since the previous Midterm Permit Review, which was completed in 2007.

During the initial permitting process, SCA adopted the existing sediment control and treatment facilities which were permitted for the refuse pile and subsoil area under the Star Point Mine Permit C0070006. MRP Sections 742. thru 742.113 (Sediment Control Measures) and 742.200 thru 742.214 (Siltation Structures) include commitments by SCA to prevent, to the extent possible using BTCA, additional contributions of suspended solids to streamflow outside the permit area. All runoff from the Star Point Waste Fuel site either reports to sedimentation ponds or is treated by alternative sediment controls.

Three sedimentation ponds (Ponds 5, 6, and 9) serve as on-site water pollution control facilities. Sediment pond locations are shown on MRP Maps 731.720a and 731.720b. Outfalls from the sediment ponds are permitted under UPDES Permit UTG040025 as outfalls 005, 006 and 009. The ponds are designed to contain the 10-year 24-hour design storm runoff event. Sediment pond details are illustrated on Maps 733.120a, 733.120b, and 733.120j. The sedimentation ponds will remain in place throughout the operation period.

Locations of alternative sediment controls are shown on Map 731.720a. Alternate sediment controls for the Star Point Mine Permit C0070006 were approved on September 28, 1989. Typical designs for alternative sediment controls at the Star Point Waste Fuel site are shown on Map 742.100 and include surface roughening/benching, silt fences, sediment traps, rock check dams, water bars, berms, and straw bale check dams. The structures will be used throughout the permit area to control small areas where sediment is a concern.

**Findings:**

No permit changes are required based on the Midterm Permit Review Item C.

**RECOMMENDATIONS:**

Permit changes are not required based on Midterm Permit Review Items A, B, C, D and F.

O:\007042.SWF\WG3814\WG3814KWL.doc