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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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February 23, 2011

TO: Internal File

THRU: Jim Smith, Permit Supervisor *JS 03/02/11*

FROM: Steve Christensen, Environmental Scientist *SC*

RE: Midterm Permit Review, COVOL Engineered Fuels, LLC, COVOL Site, C/007/0045, Task ID #3719

**SUMMARY:**

On December 29th, 2010, Headwaters, Inc. was informed that the Division of Oil, Gas and Mining (the Division) had commenced a midterm permit review for the COVOL Coal Processing Plant. As part of the midterm review a field inspection was conducted on February 23<sup>rd</sup>, 2011. Additionally, the plan was reviewed to ensure that the approved Mining and Reclamation Plan (MRP) 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.

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**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:**

The MRP meets the Violation Information requirements of the State of Utah R645-Coal Mining Rules.

The MRP provides the violation information in Section 1.1.3. On page 1-7 of the MRP, the Permittee provides the Notices of Non-Compliance that have been issued to the company. An AVS Evaluation was performed by Division staff on February 28<sup>th</sup>, 2011. No outstanding violations were retrieved by the system.

**Findings:**

The currently approved Violation Information meets the requirements of the State of Utah R645-Coal Mining Rules.

**RIGHT OF ENTRY**

Regulatory Reference: 30 CFR 778.15; R645-301-114

**Analysis:**

The MRP meets the Right of Entry requirements of the State of Utah R645-Coal Mining Rules.

The facility is located on lands that are owned by the Permittee. The property warranty deeds are provided in Appendix 1-3.

**Findings**

The MRP meets the Right of Entry requirements of the State of Utah R645-Coal Mining Rules.

## LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

### Analysis:

The MRP meets the Legal Description and Status of Unsuitability Claims requirements of the State of Utah R645-Coal Mining Rules.

Neither surface nor underground coal mining activity occur at the site, thus; these regulations are not applicable.

### Findings:

The MRP meets the Legal Description and Status of Unsuitability Claims requirements of the State of Utah R645-Coal Mining Rules.

## PERMIT TERM

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

### Analysis:

The MRP meets the Permit Term requirements of the State of Utah R645-Coal Mining Rules. The Permittee discusses the permit term on page 1-8 of the approved MRP. The termination of operations at the site will be determined by economic conditions. As a result, a specific termination date of activity is unknown.

## 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.

### Analysis:

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**General**

The currently approved MRP does not require any revisions to the Hydrologic Information section. As part of the mid-term review the Division evaluated the applicable portions of the permit to ensure that the MRP contains commitments for utilizing the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flow outside of the permit area.

A field inspection was performed on February 23<sup>rd</sup>, 2011. Each component of the storm water runoff system was inspected (culverts, diversions, sediment ponds etc.). A discussion of each of these components is provided below.

**Sediment Control Measures**

The approved MRP outlines the utilization of diversion channels, sedimentation ponds, containment berms, silt fences and road diversions and culverts as the primary sediment control measures. No revisions to the approved MRP relative to Sediment Control Measures are required at this time.

During the February 23<sup>rd</sup>, 2011 field inspection, each of the aforementioned sediment control measures were observed functioning as designed. There was no evidence of excessive erosion or sediment contributions outside the permit area.

**Diversions: General**

The currently approved MRP does not require any revisions to the Diversions section. All storm water conveyance ditches and associated culverts were inspected during the field visit. Kyle Edwards (Plant Manager) indicated that the ditches had been recently cleaned out. The ditches appeared to be functioning as designed. No signs of cutting, erosion or instability were noted with any of the diversion ditches during the field inspection. Two culvert inlets were observed to be partially blocked and were in need of routine maintenance. The inlet to culvert C-1 (located in the NE corner of the permit area) was almost completely blocked. It appeared that a vehicle had driven too close to the culvert and pushed debris into the culvert inlet. Additionally, inflow culvert (C-7) to the SE sediment pond was observed to be 3/4 plugged with sediment. Kyle Edwards (Plant Manager) was informed by the Division that the culvert inlets required routine maintenance/cleaning to insure their proper function. Mr. Edwards indicated that the culverts would be cleaned out. The Division staff informed Mr. Edwards that a follow up would be conducted during the next monthly inspection to insure the culverts were functioning as designed.

### **Siltation Structures: Sedimentation Ponds**

The approved MRP does not require revisions to the Siltation Structures: Sedimentation Ponds section. The two primary sediment ponds for the site were inspected during the field visit. The sediment ponds were functioning as designed at the time of the inspection. No signs of bank instability or erosion were observed. The sediment ponds were designed for total containment of the 10-year, 24-hour storm event. No evidence discharge was observed at either of the sediment ponds.

### **Findings:**

The currently approved MRP does not require revisions relative to the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside the permit area.

### **RECOMMENDATIONS:**

The currently approved MRP for the Covol facility meets the requirements of the State of Utah R645-Coal Mining Rules relative to hydrology/sediment control, violation information, right of entry, legal description and status of unsuitability claims and permit term.