



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Paula Doughty, *Chair*
Steven P. Simpson, *Vice-Chair*
Myron E. Bateman
Clyde L. Bunker
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Neal L. Peacock
Gregory L. Rowley
Amanda Smith
Daniel C. Snarr
Jefferey L. Tucker
Walter L. Baker
Executive Secretary

August 22, 2011

Kevin Radzinsky
MCW Energy
344 Mira Loma Avenue
Glendale, CA 91204

Dear Mr. Radzinsky:

Subject: **Construction Permit**
MCW Energy Lined Pad for the Stockpile of a Pilot Processing Facility

On August 3, 2011, the Division of Water Quality (DWQ) received the engineering plans and specifications for the construction of a liner to stockpile oil sand ore for a Pilot Processing Facility. The plans and specification were prepared by JBR Environmental Consultants, Inc. After review of the submittal there were a few minor questions that were resolved in a telephone conversation and email on August 9, 2011.

The following is a summary of the proposed major construction projects:

- Construction of a stockpile pad that includes a reinforced polyethylene liner, heavy duty non-woven geotextile, and berm. The pad will be constructed in the West ½ East ½ of Section 24, Township 4 South, Range 20 East, SLBM.

The plans and specifications, as submitted, comply with *the Utah Water Quality Rules, (R317, Utah Administrative Code)*. A **Construction Permit** is hereby issued as constituted by this letter, subject to the following conditions:

1. *Any revisions or modifications to the approved plans and specifications must be submitted to DWQ for review and approval, before construction or implementation thereof. Please submit any changes for review and approval directly to Woodrow Campbell, P.E., of the DWQ Ground Water Protection Section.*
2. *The approved facilities must not be placed in service unless DWQ has conducted a final inspection, reviewed and approved the As-Built Construction Certification Report, and provided written authorization to place the constructed facilities in service.*

Mr. Kevin Radzinsky
August 22, 2011
Page 2

The plans and specifications for this project must be stamped and signed by a Professional Engineer currently licensed to practice in the state of Utah. The construction design, inspection supervision, and written construction certification of all work associated with this Construction Permit must be performed by a Professional Engineer licensed to practice in the state of Utah.

This Construction Permit will expire one year from the date of its issuance, as evidenced by the date of this letter, unless substantial progress is made in constructing the approved facilities or the plans and specifications have been resubmitted and the construction permit is reissued. This permit does not relieve you, in any way, of your obligations to comply with other applicable local requirements. For assistance regarding local matters, you may contact Tri-County District Engineer Scott Hacking at 435-722-6311 or Tri-County Health Department Director Joseph B. Shaffer at 435-247-1177.

Please contact Mr. Campbell at the beginning of construction to allow periodic inspections to be scheduled. Upon completion of the project, a final inspection and approval of the As-Built Construction Certification Report is required before the approval to operate the completed facilities can be issued. Please remain in contact with Mr. Campbell to schedule the final inspection.

If we can be of further assistance, please contact Mr. Woodrow Campbell at wwcampbell@utah.gov or (801) 536-4353.

Sincerely,

UTAH WATER QUALITY BOARD

Walter L. Baker, P.E.
Executive Secretary

LAL/WWC/RFH:mhf

Enclosures (1)

cc: Scott Hacking, Tri-County District Engineer
Joseph B. Shaffer, Tri-County Health Department
Jon Schulman, JBR Environmental Consultants, Inc., 8160 S. Highland Dr. Sandy, UT 84093

DWQ-2011-008169.doc