

ACT/007/012 #2

0012

Genwal Coal Co., Inc.

P.O. Box 1201 • Huntington, Utah 84528-1201 •

RECEIVED
AUG 30 1989
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August 22, 1989

DIVISION OF
OIL, GAS & MINING

Mr. Lowell P. Braxton
Associate Director, Mining
Utah Division of Oil, Gas & Mining
355 W. North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

SUBJECT: Permit Transfer Request, Wellington Preparation Plant,
ACT/007/012, Folder #2, Carbon County, Utah

Dear Lowell:

Responding to your letter of August 14, 1989, concerning the request for permit transfer, enclosed is the additional information required by UMC 788.18.

Also, enclosed is a draft of the notice for publication for your review and comment.

If there is anything further required, please feel free to contact me.

Sincerely,

Richard L. Hinckley
Richard L. Hinckley
Vice President/Secretary

RLH/ab

Enclosures

UMC 782.13

- (b)(1) The business address of each of the officers of Genwal Coal Company is 2835 S. Jones, Las Vegas, Nevada 89102, and the business address of each of the directors is 6226 W. Sahara Avenue, Las Vegas, Nevada 89102.
- b(2) The business address for Nevada Electric investment Company (NEICO) is 2835 S. Jones, Las Vegas, Nevada 89102.
- c) Names and addresses of NEICO's officers and resident agent are provided on Attachment A hereto. NEICO is a wholly-owned subsidiary of Nevada Power Company.
- b(3)
& (d) Genwal Coal Company holds Mining Permit No. ACT 015/032 issued from the Utah Division of Oil, Gas & Mining.

NEICO/Genwal Coal Company has no ownership interest whatsoever in Big Horn Coal Company. If this information was reported elsewhere, it was in error, and that information will be corrected.

UMC 782.14 Attachment B hereto is a listing of all UDOGM violations for the past three years. The nature of the violation is listed along with the date the violation was abated indicating a satisfactory resolution of the matter.

UMC 782.19 Additional permits required for Wellington are listed below. Each permit is presently in the process of being transferred or issued anew to Genwal Coal Company.

Utah Department of Health

Air quality approval order to remove coal fines from settling ponds at Wellington Coal Cleaning Plant (Carbon County) dated December 31, 1981.

Air quality approval order to screen and size coal prior to loading into rail cars (now being applied for).

Environmental Protection Agency

Pending application at Wellington Coal Cleaning Plant - Application No. UT-0024376 - Wellington.

Mine Safety and Health Administration

1211-UT-9-0110 Plant Refuse Pile
1211-UT-9-0012 Clear Water Pond
1211-UT-9-0013 Lower Refuse Pond Embankment
1211-UT-9-0014 Upper Refuse Pond Embankment

Attachment C is a listing of water rights pertaining to the Wellington preparation plant.

RLH/ab

OFFICERS, DIRECTORS, AND RESIDENT AGENT FOR NEICO**Directors**

Charles A. Lenzie	6226 W. Sahara Avenue Las Vegas, NV 89102
James C. Holcombe	6226 W. Sahara Avenue Las Vegas, NV 89102
John W. Arlidge	6226 W. Sahara Avenue Las Vegas, NV 89102
Charlie F. Vaughn	2835 S. Jones Blvd. Las Vegas, NV 89102

Officers

Charles A. Lenzie
Chairman of the Board

Charlie F. Vaughn
President

John W. Arlidge
Vice President

David G. Barneby Vice President	6226 W. Sahara Avenue Las Vegas, NV 89102
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M. Gene Matteucci Secretary	6226 W. Sahara Avenue Las Vegas, NV 89102
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W. E. Littler Treasurer	6226 W. Sahara Avenue Las Vegas, NV 89102
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John Donnelly Assistant Treasurer	2835 S. Jones Blvd. Las Vegas, NV 89102
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Resident Agent, Nevada

Charlie F. Vaughn

Resident Agent, Utah

Patrick H. Fenton	154 No. Main Street Cedar City, UT 84720
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VIOLATIONS WITHIN PREVIOUS 3 YEARS **

<u>NOV. #</u>	<u>DATE ISSUED</u>	<u>TERM/VAC DATE</u>	<u>DESCRIPTION</u>
N86-4-1-4	3/5/86	4/24/86	Hydrology/Maintenance.
	3/5/86	6/4/86	Approved plan/hydrology.
	3/5/86	3/13/86	Approved plan submittals.
	3/5/86	3/13/86	Hydrology.
N86-4-6-1	5/2/86	9/29/86	Approved plan submittals.
C86-4-3-1	5/28/86	7/14/86	Approved plan submittals.
N86-4-7-1	6/25/86	8/26/86	Water monitoring.
N87-4-1-1	2/4/87	5/1/87	Approved plan.
N87-16-1-1	7/18/87	7/23/87	817.14.
N87-16-2-1	10/2/87	11/3/87	Approved plan.
	7/5/84	2/18/88	BLM mining outside of lease area.

VIOLATION/ CESSATION	ISSUED DATE	ABATEMNT/ STATEMNT	LAPSD TIME	MODIFY DATE	TERM/VAC DATE	LAPSED TIME	PERTINENT REGULATIONS	PLANS REQUIRED
N88 16 01 01 01 OF 01	01/21/88	02/10/88 02/16/88	20 26	00/00/00	02/16/88 T	26	UMC817.21	N
N88 16 02 01 01 OF 01	02/04/88	03/03/88 02/05/88	28 1	00/00/00	02/04/88 T	0	UMC817.22	N
N88 16 03 01 01 OF 01	03/25/88	03/25/88 03/30/88	0 5	00/00/00	03/25/88 T	0	UMC817.52	N
N88 17 03 01 01 OF 01	09/29/88	05/01/89 09/29/88	214 0	00/00/00	09/29/88 T	0	UMC771.19 AFTER THE FACT VIOLATION. NO ACTN POSSIBLE	Y
N88 17 04 01 01 OF 01	10/04/88	00/00/00 10/17/88	0 13	00/00/00	10/04/88 T	0	UMC771.19 UMC817.52	Y

DURING THIS PERIOD 0 UNVACATED CO'S WERE ISSUED FOR THIS MINE.
 DURING THIS PERIOD 5 UNVACATED NOV'S WERE ISSUED FOR THIS MINE.

DOG M VIOLATIONS

NO.	DATE ISSUED	DATE ABATED	NATURE OF VIOLATION
89-27-2-1	2/22/89	3/3/89	Facility not permitted
		*4/17/89	Vacated--U.S. Fuel Co. was responsible for mining activities within approved permit area-they were issued citation.
89-27-4-1	3/7/89	3/13/89	Failure to protect topsoil from water erosion.
89-16-1-1	5/1/89	5/4/89	Failure to submit Annual Report in a timely manner.
89-27-7-2	5/11/89	6/29/89	Failure to comply with the terms and conditions of the permit. (Failure to drill monitor well MW-3 as per permit)
89-27-7-2	5/11/89	5/11/89	Failure to comply with the terms and conditions of the permit. (Ground & surface water monitoring/error in parameter list
89-27-9-1	7/27/89		Failure to comply with the approved plan.

Wellington Preparation Plant

- A. Milner Diversion. Certificate of Appropriation of Water, State of Utah, No. 9042, Application No. 27718, a-4661, a-6519 (Water User's Claim No. 91-215), dated February 25, 1972, recorded in Book 130 at page 519 in the office of the Carbon County Recorder, Price, Utah, in the name of United States Steel Corporation, appropriating ten (10.0) c.f.s. of water from the Price River and underground sources for industrial and irrigation uses, from the following points of diversion:

Township 15 South, Range 11 East, SLM

No. 1: North 5 degrees 31' West, 2272 feet from Southeast corner of Section 16; No. 2: South 22 degrees 50' West, 2089 feet from Northeast corner of Section 16; No. 3: North 1410 feet and West, 535 feet from South quarter corner of Section 8; and No. 4: South 22 degrees 31' West, 1880 feet from Northeast corner of Section 16;

- B. Pumphouse Diversion. Certificate of Appropriation of Water, State of Utah, No. 9043, Application No. 27818, a-4662, a-6518 (Water User's Claim No. 91-216), dated February 25, 1972, recorded in Book 130 at page 520 in the office of the Carbon County Recorder, Price, Utah, in the name of United States Steel Corporation, appropriating five (5.0) c.f.s. of water from the Price River and underground well sources for irrigation and industrial uses, and from the following points of diversion:

Township 15 South, Range 11 East, SLM

No. 1: North 5 degrees 31' West, 2272 feet from Southeast corner of Section 16; No. 2: South 22 degrees 50' West, 2089 feet from Northeast corner of Section 16; No. 3: North 1410 feet and West, 535 feet from South quarter corner of Section 8; and No. 4: South 22 degrees 31' West, 1880 feet from Northeast corner of Section 16;

- C. Farnham Diversion. Certificate of Permanent Change of Point of Diversion, Place, Purpose or Period of Use of Water, State of Utah, No. a-713, Change Application No. a-3851, a-4244, a-6520 (Water User's Claim No. 91-371), dated February 25, 1972, recorded in Book 130 at page 518 in the office of the Carbon County Recorder, Price, Utah, in the name of United States Steel Corporation, changing rights to 5.197 c.f.s. of water (limited to 1247 acre feet per year) for irrigation and industrial uses, from the following points of diversion:

Township 15 South, Range 11 East, SLM

No. 1: North 5 degrees 31' West, 2272 feet from Southeast corner of Section 16; No. 2: South 22 degrees 50' West, 2089 feet from Northeast corner of Section 16; No. 3: North 1410 feet and West, 535 feet from South quarter corner of Section 8; and No. 4: South 22 degrees 31' West, 1880 feet from Northeast corner of Section 16;

D. Stockwatering Claims.

1. Water User's Claim No. 91-3882 by United States Steel Corporation to a diligence stockwatering use for 150 cattle from the Price River, from the following point of diversion:

Township 15 South, Range 11 East, SLM

Section 16: Point where stream SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 to point where stream leaves NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16.

2. Water User's Claim No. 91-3883 by United States Steel Corporation to a diligence stockwatering use for 150 cattle from the Price River, from the following point of diversion:

Township 15 South, Range 11 East, SLM

Section 8: Point where stream enters NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 to point where stream leaves NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8.

3. Water User's Claim No. 91-3759 by United States Steel Corporation to a diligence stockwatering use for 150 cattle from the Price River, from the following point of diversion:

Township 15 South, Range 11 East, SLM

Section 9: Point where stream enters SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 to point where stream leaves SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9.

- E. Water Agreement. Rights to a maximum of ten (10.0) second feet of water under Application No. 35177 for irrigation and industrial uses pursuant to an Agreement dated December 17, 1974, between Price River Water Improvement District and United States Steel Corporation.

NOTICE OF APPLICATION
Wellington Preparation Plant
Permit (ACT/007/012)

Notice is hereby given that Genwal Coal Company, P. O. Box 1201, Huntington, UT 84528 has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas & Mining for transfer of a permit applicable to the Wellington Preparation Plant under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Ann. 40-10-1 et seq.) and the Utah Coal Program Regulation UMC 788.18. The previous permittee of the Wellington Preparation Plant was the Kaiser Coal Corporation, Permit No. ACT/007/012. The permit area is located in Carbon County, Utah as follows:

Township 15 South, Range 11 East, SLB&M
Sec. 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$
Sec. 9: S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$
Sec. 15: W $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 16: All
Sec. 17: E $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$

Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days with:

State of Utah
Department of Natural Resources
Division of Oil, Gas & Mining
355 West North Temple
III Triad, Suite 350
Salt Lake City, Utah 84108

Published in the Sun Advocate this _____ day of _____, 1989.