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State of Utah
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DIVISION OF OIL, GAS AND MINING

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August 2, 1994

Mr. R. Jay Marshall
Genwal Coal Company Inc.
P. O. Box 1201
Huntington, Utah 84528

Re: Remaining Mid-Term Deficiencies, Nevada Electric Investment Company, Wellington Prep Plant, ACT/007/012, Folder #3, Carbon County, Utah

Dear Mr. Marshall:

The Division has completed a review of the latest submittal which was made to address the deficiencies identified during the Mid-Term Review. Many of the deficiencies have been adequately addressed, however there still remain some deficiencies that need to be addressed. The enclosed document outlines the deficiencies that remain. Please review the document and provide a response by no later than October 3, 1994.

At this time the Division is in the process of updating the Operation and Reclamation Plan for the Wellington Prep Plant. We feel that we need to get the information that has been submitted thus far into your plan. The responses to the Mid-Term Review are hereby approved for incorporation into the Wellington plan. As you know there have been numerous submittals and it has been very difficult to keep track of which ones are current and which ones have been replaced. Only 3 copies of some of the submittals have been made. We will need additional copies for distribution to other agencies. A total of 7 complete sets of materials are needed. Please submit the required copies along with the responses to the remaining deficiencies. These will be incorporated into and become a part of your plan. Any remaining issues after that date will be addressed separately. Problems identified may be the subject of enforcement action.

Thank you for your help during the permitting process. Please call if you have any questions.

Sincerely,

Daron R. Haddock
Permit supervisor

Enclosure
cc: P. Collins (Mt. Nebo)
P. Baker
S. Falvey
P. Grubaugh-Littig
J. Smith
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REMADEF.WEL

MID-TERM REVIEW WRAP UP
Remaining Deficiencies

Nevada Electric Investment Company
Wellington Prep Plant
ACT/007/012
August 2, 1994

Deficiencies

Deficiencies to which NEICO did not respond are:

R645-301-240 Reclamation Plan

1. The plan needs to clarify the status of the borrow areas shown on Drawing E9-3339. The text or the map needs to contain a qualifying statement about this map that shows which borrow area is proposed to be used.

2. The plan needs to give more detail on the effects of borrowing soil from the cropland areas. It needs to show that the postmining topography is compatible with a cropland postmining land use.

R645-301-341.210 Revegetation Species

1. The plan needs to clearly show where the two seed mixes will be used. If Map F9-178, 179 is to be used for this purpose, it should be revised.

R645-301-341.250 Success Determination Measures

1. The Sarcobatus/Suaeda reference area needs to be shown more clearly on Drawing F9-178, 179.

R645-301-410 Land Use
R645-301-412 Land Use Reclamation Plan

1. The plan needs to contain some details on what crops would be planted on the area where cropland is the postmining land use.

2. The plan needs to discuss the current use of the cropland area. It should examine what crops are being grown and what management levels are being used.

R645-301-553.250 Refuse Piles

1. Nevada Electric Investment Company ("NEICO") must commit to cover the coarse refuse with at least four feet of non-toxic, noncombustible material at final

reclamation. Depending on sampling results, it may be possible to reduce this requirement, but the regulatory requirement is that refuse be covered with four feet of non-toxic, noncombustible material unless chemical and physical tests show and NEICO can demonstrate that soil stabilization and revegetation requirements can be met without the four feet of cover.

R645-301-553.260 Coal Processing Waste

1. The plan needs to show compliance with R645-301-553.252 for the coarse and fine slurry.

Remaining Deficiencies:

Deficiencies that remain even though NEICO may have responded.

Clear and Accurate Application
R645-301-120, R645-301-141, R645-301-512, R645-301-512.120, R645-301-700, R645-301-712

1. Map G9-35-10, incorrectly illustrates the permit area. New information is being obtained by the Applicant and will be updated with the submittal. At this time the existing map does not meet the requirements of **R645-301-120.**

2. Section 6.21, page 1, (5/2/94) provides incorrect map references and therefore does not meet requirements of **R645-301-120**.

3. The Operator should correct the page numbering in Section 7.31 as there are two pages numbered 7.

4. The map scale legend Drawing 712i for the lower refuse basin is not accurate. The scale provided does not meet the requirements of **R645-301-141** "Maps of the permit area will be of 1:6,000 or larger".

5. Exhibit E9-3341 (4/28/93) requires certification by a professional engineer or land surveyor according to **R645-301-512 and R645-301-512-120.** Other Maps requiring up-dated certification according to **R645-301-700**, and **R645-301-712** include G9-3507, 712A, F9-178, and F9-179, 712c and 712d.

6. The Operator should remove the word "potential" from the track hopper label on Sheet 712d since the Operator does use this site.

Success Determination Measures
R645-301-341.250

1. Using production data from areas to be returned to a cropland postmining land use or from similar areas, the plan needs to justify the proposed cropland standards for success.

Disposal of Noncoal Mine Waste
R645-301-542.742

1. Areas where concrete is disposed below grade must have 2 feet of suitable cover according to **R645-301-542.742.**

Geology
R645-301-621

1. The Operator has not correctly identified the alluvium thickness on Map 612a, therefore the requirements of **R645-301-621** are not met.

Acid and Toxic
R645-301-728, R645-301-728.100, R645-301-728.200, R645-301-728.332, R645-301-730, R645-301.731, R645-301-731.100, R645-301-731.111, R645-301-731.300, R645-301-120, R645-301-746.120

1. Expand the discussion of trends of water quality to operations as a result of dilution of water infiltration at the slurry ponds as required according to **R645-301-728.100, R645-301-728.200, R645-301-728.332, R645-301-730.** Provide reasoning supporting the concluding statement indicating water quality impacts should be less than those currently experienced as stated in Section 7.24, page 19. Include a discussion of the potential post mining/reclamation conditions related to water availability and climatic changes. Specify what parameters are expected to respond to those conditions. A determination of adequacy cannot be made until assessment of the acid and toxic forming samples is received by the Division and after samples of boron and selenium as water monitoring parameters are assessed.

2. The Operator must include the acid and toxic sampling information from Appendix B within the context of the PHC. High levels of boron and selenium were shown to be present in some samples. The Operator must provide an adequate demonstration and characterization for the materials in the coarse and fine coal refuse impoundments before claiming there is no acid and toxic forming constituents as posed in Section 7.28, page 18. The Operator should identify dates, sampling locations, laboratories,

and methods of analysis for samples. The Division is awaiting further analyses to make a determination of completeness regarding **R645-301-728, R645-301-731.100, R645-301-731.300.** However, the current document does not correctly reflect existing information **R645-301-120.**

3. Include information on toxic materials in the PHC for the fine refuse materials. Discuss how the Operator will avoid drainage of toxics into surface water and groundwater as required by **R645-301-746.120 and R645-301-731, R645-301-731.111.**

Water Quality Monitoring
R645-301-724.310, R645-301-730, R645-301-731, R645-301-731.211, R645-301-731.221, R645-301-750, R645-301-751

1. Describe the occurrences and site characteristics for selenium and boron as required by **R645-301-731.211** and **R645-301-731.221.** Based on the lack of data and occurrence of salts in the slurry cells, the Operator should include total, as well as dissolved selenium and boron as quarterly sampling parameters for surface and groundwater sites, until the Operator is able to describe the existing site characteristics for these parameters and can meet requirements of **R645-301-750, R645-301-751** and **R645-301-730,** the Operator should identify the methods used to provide a complete analysis (comparing changes with time and climate, concentrations at surface and ground water sites etc.) for the quarterly data collected and submitted in the annual report.

2. The Operator made an earlier commitment, in the March 25, 1993 deficiency response memo, saying boron and selenium were added to the quarterly monitoring list. However, the information did not get transferred to this list. Selenium and boron are state water quality standards for the Price River. Therefore it is recommended that a specific condition of approval or re-submittal in a short time period, include total, as well as, dissolved selenium and boron as quarterly sampling parameters for surface and groundwater sites in Tables 7.28-2 and Table 7.28-5. This parameter must be sampled to demonstrate that the requirements of **R645-301-731** and **R645-301-751** are met.

3. The information presented on page 6, does not add any practical information to address deficiency #1 for **R645-301-731** identified in the February 11, 1994 memo to describe why the stations will not be monitored during local precipitation events. The Operator should be requested to remove this page from the submittal.

4. The Operator must prioritize the following for wells GW-4, GW-5 and GW-6 to determine adequacy of the monitoring plan, as required by **R645-301-724.310;**, extent

of screened interval strata when screened, accurate well elevation collar and ground elevation, permeability and drill logs or location of wells and well information on E9-3428.

5. The Operator must provide the following for each monitoring well of the slurry cells to determine adequacy of their monitoring plan as required by **R645-301-724.310**; extent of screened interval, strata where screened, accurate well elevation (collar and ground elevation), permeability and drill logs, or cross-section on E9-3428.

Sediment Control Measures
R645-301-121.200, R645-301-121.300, R645-301-732, R645-301-746.312, R645-301-761

1. Provide alternative measures for sediment control at ASCA #7 as required by **R645-301-121.300**. The Operator submitted a proposal for ASCA #7 in the attached cover letter. However, the Operator must provide this proposal as an amendment that may be inserted into the plan.

2. A cross reference locating the cross-sections shown for the dryer pond emergency spillway have not been provided. The Operator has not provided a clear and concise proposal as required by **R645-301-121.200**. The information presented does not represent an inspectable design and lacks the detail presented in previously approved as-built pond diagrams and cross-sections. Cross-sections of pond designs should be provided for length, width and critical areas. Primary spillway, emergency spillway, maximum sediment and cleanout sediment levels, maximum water elevation and decant structures, should be included in the pond design diagram to make for a complete inspectable map.

3. The Operator has presented conflicting information in the proposed pond design submitted as 92B. The Operator indicates the emergency spillway design provided assumes the berm on the south side of the pond is removed. The Operator cannot remove the berm and retain the proposed design. The downstream water elevation is said to be controlled by the access road elevation of 5338.2'. However, the Operator's new pond design proposes the dryer pond primary spillway elevation at 5337.0 feet and the emergency spillway elevation at 5339.0. The Operator has not provided a clear and concise proposal as required by **R645-301-121.200**, also it cannot be demonstrated that the pond meets the requirements of **R645-301-732**.

4. The Operator proposes the sediment pond be retained during reclamation phase, therefore, a demonstration that the pond is adequately sized when the auxiliary and dryer pond removed is not applicable. It appears the primary spillway will handle this flow, but a demonstration must be presented that the pond is adequately designed for reclamation phase as required by **R645-301-761**.

5. The Refuse Basin sediment impoundment is shown to be oversized. However, it should be shown by the Operator to have the spillway capacity or storage and capacity to safely control the PMP-6 hour event as required by **R645-301-746.312.**

Diversions
R645-301-724.320, R645-301-732.300, R645-301-742.100, R645-301-742.300, R645-301-742.312, R645-301-731

1. According to **R645-301-742-312, R645-301-732.300** and **R645-301-724.320** the Operator must submit designs using the best technology currently available which provides a stable channel and minimizes erosion to the extent possible. The Operator is required to provide geomorphic and stability demonstrations to meet those requirements as dictated by **R645-301-724.320** before approval would be considered for the proposed "natural headcut" for the permanent diversion channel south and east of the Siaperas ditch. Items that would be accepted by the Division include: a reconnaissance survey through the use of aerial photos, land surveys and photographs showing historical record of channel geomorphology and/or information from adjacent areas with similar geomorphic and hydrologic attributes which are not significantly disturbed by anthropologic activities. In order for the Operator to obtain approval for the proposed head cut "as a stable channel", the Operator would also have to provide a method to monitor the channel's stability which demonstrates the design flow or greater flow will pass through the ditch while the ditch remains stable, i.e.: no significant changes in the upstream or downstream reaches of the headcut.

   It is recommended the Operator provide erosion control designs for the ditch rather than the "stability" claim as it is a easier process for approval. The Operator could then propose the "stability" method as an amendment.

2. The Operator must commit to installing the proposed erosion control blanket for the slurry pipe drainage Watershed 8 according to manufacturers specifications, in order to meet the requirements of **R645-301-742.100, R645-301-742.300,** and include a description as to how the blanket will be installed/maintained to meet requirements of **R645-301-731.**

Reclamation
R645-301-521.141, R645-722.500, R645-301-732, R645-301-742, R645-301-748, R645-301-750, R645-301-752, R645-301-761, R645-301-762.200

1. The Operator must provide a reclamation drainage plan at the slurry impoundments as required by **R645-301-762.200** and **R645-301-761**. A drainage plan needs to be developed for the area draining to the sediment pond (Exhibit E9-3342) with adequate contour information across the refuse basin to determine slope and drainage. The

Operator must provide information for the sediment control measures and final contouring of the proposed borrow areas and alternate sediment control measures in the areas regraded but, not reporting to a pond. Sediment control measures must be discussed per the reclamation plan as required by **R645-301-762.200**, **R645-722.500** and in order to meet the performance standards in **R645-301-750**.

2. The Operator must include the disturbed area boundary for reclamation phase including borrow areas on the reclamation map as required by **R645-301-521.141**.

3. The commitment to regrade at nine inches in depth does not demonstrate that the requirements of **R645-301-752**, **R645-301-732**, and **R645-301-742** have been met. This commitment was requested to be removed, and was removed in an earlier review. Assessment of the site may indicate more action than the proposed regrading may be necessary to meet the regulatory requirements. The Operator should replace the proposal in Section 5.4.21 on page with a commitment to meet the requirements of **R645-301-752**, **R645-301-732**, and **R645-301-742**.

4. The Operator should provide a method for monitoring well protection during regrading as required by **R645-301-748**.

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