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**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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December 2, 1996

TO: Daron Haddock, Permit Supervisor

FROM: Wayne H. Western, Senior Reclamation Specialist *WHW*

RE: Permit Renewal, Nevada Electric Investment Company, Wellington Prep Plant, ACT/007/012, Folder #2, Carbon County, Utah

**ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

**Analysis:**

**Road Systems**

Primary roads are identified as 3,700 feet of haul road, from the property boundary to the load-out facility which joins a county spur road used to access borrow pits. The spur road then joins the Carbon County Ridge Road. "As-built" design information was incorporated through a December 21, 1989, submittal and was considered part of the permit. During construction a 30 foot base was bladed for the load-out haul road. The primary haul road is 24 feet wide and has a grade from 2.4 % to 2%. Side slopes are 4:1.

The permittee indicates primary roads are surfaced with rock, crushed gravel and asphalt or other material, and are routinely maintained. Drainage ditches run parallel to the haul road on the uphill side. Non-acid non-toxic forming substances were used in the haul road construction.

The permittee states that the primary roads meet the requirements of the R614 regulations. That reference should be update and the reference changed to R645.

In the plan, Ancillary Roads are stated to receive a top cover of coal cleaning waste when the road crosses coal waste material. This statement meets the regulatory requirements if; the road surfacing to be applied is non-acid and non-toxic forming; the road surfacing meets other applicable regulatory requirements; and, the road surfacing is appropriately handled during the reclamation phase. Ancillary Roads are stated to be

inspected monthly and repaired as needed.

The permittee has identified the following ancillary roads: the plant access road; the refuse pile access road, the material storage yard access road; the clearwater pond access road; the dike roads. The applicant has failed to include the slurry pipeline access road, and roads adjacent to the slurry impoundment. The Permittee also identified the Sluceway as a road that was used pre-SMACRA and was used to access the west side of the Price River but, was not used following county road construction. The date the "Farnham" county road on the west side of the Price River was constructed was not presented to lend credence to the claim that the Sluceway road was used pre-SMACRA.

The operator states that all roads in the permit area are ancillary with the exception of the main haul road. In order for a road to be classified as ancillary no coal or spoil can be transported on it, it must be removed during reclamation and used infrequently or for less than six months. All of the ancillary roads have been used for more than six months, therefore in order to meet the requirements of R645-301-527.122 they must be used infrequency.

The term infrequently is not defined in the regulations but usually applied to roads that are used for access to remove water monitoring stations. Roads that access to test plot and areas that a regular inspected are usually classified as primary. Roads that will be used during reclamation must be classified as primary. Any road that is to be retained as part of the post-mining land use must be classified as primary R645-301-527.123.

### **Other Transportation Facilities**

Additional transportation includes the railroad. A portion of the rail system is utilized by CVR to load rail cars, and is directly related to coal mining operations. Clarification of the portions belonging to the railroad right of way are marked on Exhibit E9-3342 (1 of 2, revised June, 1995). The rail is operated by the Denver and Rio Grande Western Railroad. No documentation of the railroad ownership was presented.

### **Findings:**

The plan does not meet the minimum requirements of this section. The permittee must provide the following in accordance with:

**R645-301-527**, the operator must demonstrate that each of the roads classified as ancillary meet the requirements of R645-301-527.130. At a minimum the operator must state that the road will be removed during reclamation. The present and future use of the road must be stated. The permittee must change the R614 reference to R645.

## **BACKFILLING AND GRADING**

**Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.**

### **Analysis:**

Reclamation backfill and grading information can be found in Section 5.40. No highwalls exist at the site. Stability analysis of the Refuse Dikes were conducted in 1985 and assumes a crest width of 15 feet. These analysis indicate the Upper Refuse Dike on the lower pond side with 3H:1V slopes had a static factor of safety of 1.5 and seismic factor of safety of 1.2 with 0.1 gram of horizontal force applied. The Upper Refuse Dike, on the upper pond, with 2H:1V slopes had a static factor of safety of 2.2. and seismic factor of safety of 1.6 with 0.1 gram of horizontal force applied. The North Dike on the Siaperas ditch side with 2H:1V side slopes has a static factor of safety of 1.8 and a seismic factor of safety of 1.3. The applicant was requested to provide a certified design that accounts for the factor of safety for the reclamation refuse impoundment at the base of the clear water pond and any other potential failure surfaces such as the upstream end of the site for the proposed reclamation configuration and the permittee was requested to show that the site meets requirements for a permanent coal mine waste disposal facility.

The permittee has provided a map, certified by Greg Pool a registered professional engineer, dated 10/23/96, with words indicating the final slopes will be less than 2:H to 1:V and shall have a minimum static safety factor of 1.5 or greater.

The permittee has committed to protect necessary monitoring wells by flagging and extending the wells as necessary to maintain them during the reclamation process.

The permit has committed to grade the site to blend with the surroundings. The permittee has shown areas to be graded such as the Haul Road, the drainage/road system where the slurry pipeline is shown, the final contours for the topsoil borrow areas and other areas where grading is required to meet the approximate original contour and promote drainage. Where it is difficult to show the contours a commitment to grade to blend with the surrounding areas and illustration with direction arrows show the overall drainage grading plan as presented on Exhibit E9-3342 1 of 2 certified on October 23, 1996.

Exhibit E9-3342 1 of 2 has a scale of 1 inch equals 400 feet. The Division needs a smaller scale map to determine the adequacy of the backfilling and regrading plan. R645-

301-542.300 state that the surface configuration maps and cross section must be at intervals determined by the Division. The Division has determined that the map needs to have a scale of no more than 1 inch equals 100 feet and that there should be cross sections every 100 feet.

The permittee state that al final embankments will have slope that are less than 2 horizontal to 1 vertical slopes. The static safety factor for those slopes is stated to be greater than 1.5. The permittee needs to document how the safety factors were determined.

**Findings:**

The operator has not met the requirements of R645-542.300. The permittee must provide the Division with maps at scales of not larger than 1 in equal 100 feet for all areas that will be backfilled and regraded.

**BONDING AND INSURANCE REQUIREMENTS**

**Regulatory Reference:** 30 CFR Sec. 800; R645-301-800, et seq.

**Analysis:**

The permittee has submitted an amendment to adjust the bond calculations in Appendix J on August 18, 1995 (revised August 17, 1985). On August 21, 1995, the Division determined that the bond amount, for the Wellington Preparation Plant, should be \$6,036,000, escalated through December 1999.

The bond was based on the Operator's reclamation plan and cost estimate. It was assumed that reclamation would occur, under the worst case scenario, as defined by the OSM reclamation handbook.

Site conditions that were taken into consideration when determining the difficulty of reclaiming the area include:

- toxic soils that must be covered with a minimum of four feet of material;
- establishing vegetation under arid conditions;
- haul distance to disposal facilities.

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Based on the information provided, the Division has determined that the site can be reclaimed at the end of the current permit for \$6,036,000.00. However, it has recently been discovered that there is asbestos at the site. On January 29, 1996, a Cessation Order was issued to NEICO. The information presented allowed the Division to make a determination that the current bond is adequate to cover costs of removing the asbestos material as discussed in the memo from Wayne Western to Joe Helfrich on April 2, 1996.

Any changes to the backfilling and grading plan must be reflected in the bond calculations.

**Findings:**

The Division made a determination that the existing \$6,036,000.00 bond is adequate. Pertinent discussions are found in the April 2, 1996, and the August 21, 1995, memo's on bonding.

The permittee must incorporate any changes to the backfilling and grading plan into the bond cost calculations.