



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

Partial: X Complete: Exploration:
Inspection Date & Time: October 30, 1996, 9:50 AM to 12:50 PM
Date of Last Inspection: September 30, 1996

Mine Name: Wellington Preparation Plant County: Carbon Permit Number: ACT/007/012
Permittee and/or Operator's Name: Nevada Electric Investment Company (NEICO)
Business Address: c/o Mt. Nebo Scientific, P. O. Box 337, Springville, UT 84663
Type of Mining Activity: Underground Surface Prep. Plant X Other
State Officials(s): Paul Baker
Company Official(s): Patrick Collins
Federal Official(s): None
Weather Conditions: Cloudy, 40's
Existing Acreage: Permitted- 1720 Disturbed- 356 Regraded- 1.5 Seeded- 1.5 Bonded- 177
Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0
Status: Exploration/ X Active/ Inactive/ Temporary Cessation/ Bond Forfeiture
Reclamation (Phase I/ Phase II/ Final Bond Release/ Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

- Substantiate the elements on this inspection by checking the appropriate performance standard.
 - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
 - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_ (date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



INSPECTION REPORT

(Continuation sheet)

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PERMIT NUMBER: ACT/007/004

DATE OF INSPECTION: October 30, 1996

(Comments are Numbered to Correspond with Topics Listed Above)

1. Permits, Change, Transfer, Renewal, Sale

On October 21, 1996, representatives of NEICO and a potential buyer of the preparation plant, EARTHCO, came to the Division offices to discuss the sale and how this would affect operations. One of the Division's goals is to establish a firm reclamation schedule according to the requirements of Division Order 96A. According to NEICO representatives Richard Hinckley and Denise Dragoo, the agreement was signed later that day, but EARTHCO has apparently not yet fulfilled all its obligations under the agreement.

Division Order 96A requires that NEICO submit information to the Division concerning a reclamation schedule and says the Division will establish the schedule. On October 28, 1996, EARTHCO submitted a preliminary reclamation schedule in which demolition of the preparation plant building would begin November 15, 1996. However, since EARTHCO had not yet fulfilled all its obligations under the sales agreement, NEICO was unwilling to commit to the schedule. For this reason, the Division extended the deadline for complying with the Division Order first to November 4 then to November 25, 1996.

On October 22, 1996, Steve Demczak extended the time to comply with violation N95-39-2-2, parts 1 and 2 of 2, as the permittee requested. NEICO's attorney Denise Dragoo had requested on October 15, 1996, that the violation be extended for an additional 30 days. The violation abatement will be considered due November 15, 1996.

Abatement of N95-39-2-2 requires NEICO to submit approval from MSHA for NEICO to keep slopes of the coarse refuse pile in their current configuration. Some of the slopes are steeper than 2h:1v. Until MSHA finishes its review, it is impossible to abate the violation.

On October 23, 1996, NEICO submitted a response to the Division's July 25, 1996, technical analysis of the plan. The response is under review.

2. Signs and Markers

Mr. Collins has been using duct tape to mark the signs at the property's entrances from public roads because he thought there would soon be a new permittee. Under the terms of the sales agreement signed with EARTHCO, NEICO would remain the permittee for about the next two years. For this reason, the signs should be replaced.

There is no sign by the pumphouse next to the Price River. This pumphouse is on the opposite side of the county road from the clear water pond. R645-301-521.241 requires that identification signs be displayed at each point of access from public roads to areas of surface operations and facilities on permit areas. The pumphouse is separated from the rest of the facilities, and there is access from a public road. In reality, a person who was unfamiliar with the site would not necessarily associate it with the rest of the facilities. While I feel a sign needs to be posted here, I do not feel enforcement action should be taken immediately because Division and OSM inspectors have overlooked the issue for at least the last five years.

4. Hydrologic Balance

b. Sediment Ponds and Impoundments

During a recent storm, it appears the emergency spillway for the dryer pond functioned as an inlet. The spillway level appears to be lower than nearby areas, and I am concerned whether it would ever act as a spillway or if water would spill over one of the embankments instead. In November, I plan to take Mike Sufliita of the Division staff with me on the inspection to check elevations and the as-built drawings of the pond. Mr. Sufliita is a hydrologist and a registered professional engineer.

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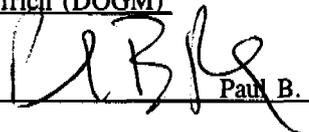
c. Other Sediment Control Measures

There is some piping under some of the alternate sediment control structures (straw bales and silt fences). These include the two sets of straw bales between the two sets of railroad tracks, a silt fence on the opposite side of the road from the Siaperas Ditch, and the first silt fence on the pipeline road.

Copy of this Report:

Mailed to: James Fulton (OSM), Patrick Collins (Mt. Nebo Scientific)

Given to: Joe Helfrich (DOGDM)

Inspector's Signature:  Paul B. Baker #41 Date: November 15, 1996