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September 17, 1996

Patrick Collins, Ph.D.
Mt. Nebo Scientific, Inc.
P. O. Box 337
Springville, Utah 84663

Re: Meeting 9/6/96 Recap - Slurry Pond Refuse MRP Requirements, Nevada Electric Investment Company, Wellington Prep Plant, ACT/007/012, Folder #2 & #3, Carbon County, Utah

Dear Mr. Collins:

As referenced by correspondence from Mr. Joseph C. Helfrich to you on July 30, 1996, the Division committed to visit with you to discuss options regarding the deficit in the four foot minimum requirement (R645-301-553.252) of borrow material from "Area E". This letter recapitulates our meeting of 9/6/96 concerning covering the slurry pond refuse materials with a minimum of four feet of best available, nontoxic and noncombustible material.

A lengthy discussion was held between myself, you and Daron Haddock concerning several possible solutions after reviewing Wellington's test plot data, Utah's guidelines for Selenium and Boron, and Wyoming's selenium guidelines for strip-mining coal. After review, the following are concluded:

- The four foot minimum requirement for the slurry pond materials is required.
- The Division's current guidelines for boron and selenium will be strictly enforced.
- The fine-slurry pond refuse is high in both boron and selenium.
- The coarse-wash slurry material is high in selenium.
- Additional borrow materials are available that are far superior to the marginal materials found in the Topsoil Borrow Areas "A" and "E". However, it is noted that higher transportation costs are associated with hauling these materials a greater distance to the slurry pond refuse areas.

- The coarse-wash slurry material could constructively be used as a portion of the minimum four foot cover over the fine-slurry pond refuse based on the following:
  (1) The permittee must first PROVIDE a selenium remediation technique that could effectively remove and/or reduce the hot water soluble selenium below the 0.1 ppm level within the coarse-wash slurry material.
  (2) It must be SHOWN that either the soil cap alone or an oxidation barrier with the soil cap will prevent long term oxidation of the reduced selenium compounds within the coarse-refuse material.

We trust that your response will address these issues in connection with the remaining deficiencies associated with the Wellington plan. We look forward to your timely response by the October 23, 1996, deadline. If you have any questions concerning these items, please contact myself, Daron Haddock or Joe Helfrich.

Sincerely,

Robert A. Davidson
Reclamation Soil Scientist

cc: Mark Page, Water Rights-Price
Dave Ariotti, Health-Price
Bill Bates, Wildlife-Price
Joe Helfrich, DOGM
Daron Haddock, DOGM
PFO
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