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State of Utah
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DIVISION OF OIL, GAS AND MINING

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June 6, 1997

TO: File

THROUGH: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

DRZ
PBB

Re: Reduction of Permit Area, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012-97C, Folder #2, Carbon County, Utah

SUMMARY:

Earthco, operator at the Wellington Preparation Plant, has proposed through the permittee, Nevada Electric Investment Company (NEICO), to reduce the size of the permit area. The proposal includes a map of the permit area as it would be if the submittal was approved and some changes to the text of Chapter 1.

Included in the areas proposed to be deleted are areas designated as topsoil borrow areas "A" and "B". These borrow areas would be the primary source of material to cover the coarse refuse pile and the coarse and fine slurry areas. Also proposed to be deleted are portions of the current disturbed area. Before currently-disturbed areas can be deleted, the applicant will need to demonstrate these areas were never disturbed.

TECHNICAL ANALYSIS:

PERMIT AREA

Regulatory Reference: R645-300-141

Analysis:

The applicant proposes to reduce the permit area from about 1699.8 acres to 566.16 acres. The application contains a map of the reduced permit area and additions to the text showing the legal description of this area. Section 3.41 of the operation and reclamation plan says the disturbed area is 392 acres. This does not conflict with the acreage of the proposed new permit area since not all of the new area has been disturbed. However, as

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discussed below, the proposed permit area does not include all disturbed areas as shown in the current operation and reclamation plan.

The revised permit area boundary would be different than what is shown on many of the permit area maps in the current operation and reclamation plan. The applicant needs to resolve this problem. One option would be to stamp every map with a statement indicating the correct permit area boundaries are shown on a particular map.

The application needs to contain further information about the deletion and justify it. Portions of the disturbed area, as shown on Plate E9-3333 in the operation and reclamation plan, are not included in the proposed permit area shown on the map included in this submittal. The Division cannot allow these areas to be deleted from the permit or disturbed areas unless they have never actually been disturbed and the applicant makes this demonstration.

In addition, the property boundary lines differ on Plate E9-3333 compared to the map in the proposal. This occurs in the area of the bridge on Ridge Road over the railroad tracks.

In R645-100, "Disturbed Area" is defined as an area upon which topsoil is placed by coal mining and reclamation operations. On Plate E9-3333, the topsoil storage areas are not included in the disturbed area. This problem has apparently been overlooked in past reviews. For this proposal, the permit area needs to include the topsoil stockpiles.

Two of the areas proposed to be deleted from the permit area contain topsoil borrow areas "A" and "B". Under the current reclamation plan, these borrow areas would be used to obtain nontoxic, noncombustible material to cover coal refuse. The plan to use soil from these areas was approved in the Division's December 23, 1996, technical analysis of an October 23, 1996, submittal. The plan still contains references to using borrow area "E", but, in the technical analysis, this was considered a deficiency that needed to be corrected.

Since the topsoil borrow areas would be deleted from the permit area, the applicant needs to provide information showing how the requirements of R645-301-553.252 will be met before the Division can approve the current proposal. This regulation requires that coal mine waste be covered with a minimum of four feet of the best available, nontoxic and noncombustible material.

Findings:

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section of the regulations. Prior to approval, the applicant must

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provide the following in accordance with:

R645-300-133.100, If the new map showing the smaller permit area was approved, it would conflict with many of the maps in the current operation and reclamation plan. The applicant needs provide a solution to this problem.

R645-300-133.100, The property boundaries shown on the map in the application differ from those on Plate E9-3333 in the current operation and reclamation plan. This problem needs to be corrected.

R645-300-141, The map showing the proposed smaller permit area does not include all areas shown as being disturbed according to Plate E9-3333 in the current operation and reclamation plan. Before the Division can allow the permit area to be reduced to what is shown on the new map, the applicant must demonstrate that these areas were never actually disturbed. In addition, the topsoil stockpiles shown on Plate E9-3333 need to be included in both the disturbed and permit areas.

R645-301-553.250, The area proposed to be deleted from the permit area contains topsoil borrow areas "A" and "B". These borrow areas were to be used to provide the best available nontoxic, noncombustible material to cover certain coal refuse areas. The applicant needs to provide information showing how the requirements of R645-301-553.252 will be met if the topsoil borrow areas are deleted from the plan.

RECOMMENDATIONS:

The amendment application cannot be approved until the deficiencies discussed in this memorandum have been adequately addressed.