

0039



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

Act/007/012

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August 18, 1997

TO: File *DRZ*

THRU: Daron Haddock, Permit Supervisor

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

RE: Review of the Response to the TA dated December 23, 1996, NEICO, Wellington Preparation Plant, ACT/007/012, Carbon County, Utah.
-#2

Summary:

The responses to the TA deficiencies dated December 23, 1996 were received from the Permittee on July 7, 1997. The Permittee did not adequately address all of the engineering deficiencies.

Technical Analysis:

Analysis:

Original Deficiency R645-301-515.300, Provide an accurate description in the plan clearly reflecting the requirements of this regulation.

The Permittee agreed to comply with the R645-301-515 regulations. Those regulations deal with how the Permittee will notify the Division about temporary cessation. When the Division wrote the TA the status of the Wellington Preparation Plant was uncertain. The Division wanted to know what would trigger the Permittee going into temporary cessation. Since that time, the Permittee has conducted reclamation activities and is in the process of recovering coal fines. The Division now considers the operations to be active.

Findings:

The Permittee has met the minimum requirements for complying with R645-301-515.300.

Analysis:

Original Deficiency R645-301-521.130, Provide a map showing the current owners of surface lands within and contiguous to the permit area that does not conflict with the text.

Paul Baker reviewed the response to this deficiency and determined that the response was inadequate. See Paul's analysis for more details.

Findings:

The information provided in the deficiency response is not considered adequate to meet the requirements of this section. See Paul Baker's findings for details.

Analysis:

Original Deficiency R645-301-526, Complete the requirements of NOV. N95-39-2-2. The deficiency no longer applies because the NOV was abated and terminated.

Findings:

The NOV has been abated and terminated, so this deficiency no longer applies.

Analysis:

Original Deficiency R645-301-527, Provide a detailed description of each road constructed used or maintained in the permit area. Demonstrate that each of the roads classified as "ancillary" meet the requirements of R645-301-527.130. At a minimum the Operator must identify the present and future use of the road and state that the road will be removed during reclamation. The Permittee must change the R614 references to R645.

On Page 2 of the transportation facilities response, the Permittee states that all roads associated with the permit area are considered primary roads. No ancillary roads exist in the permit area. The reference numbers have been changed from R614 to R645.

Findings:

The Permittee has met the minimum regulatory requirements of R645-301-527.

Analysis:

Original Deficiency R645-301-542.300, Provide the Division with maps at scales of not larger than 1 inch equals 100 feet for all areas that will be backfilled and regraded. The Permittee must document how the safety factor for the final embankment of the reclaimed slurry impoundment/refuse pile was determined.

In the deficiency response the Permittee states:

“The plan relative to regrading and backfilling of the slurry impoundment area is currently being incorporated into an active mine site. Negotiations are being conducted with COVAL to reprocess the coal refuse and slurry pond material. The refuse generated from this process will need to be analyzed to determine the feasibility of using it as backfill. Stability of existing embankments is not relevant with new mining pending.”

The commitment to supply the Division with a backfilling and grading plan based upon the completion of the coal fines processing is inadequate. The Division has not approved the coal fines recovery plan therefore the Division cannot approve the reclamation plan. The reclamation plan must be based on the approved mining and reclamation plan.

Even if the Division approved the coal fines recovery plan the Permittee would have to provide the Division with a backfilling and regrading plan based on the current conditions. The reclamation bond must be based on a worst case scenario. The worst case scenario is how would the site be reclaimed under current conditions.

Findings:

The information provided in the deficiency response is not considered adequate to meet the requirements of this section. Prior to approval the permittee must provide the following in accordance with:

Page 4
ACT/007/012
August 18, 1997

R645-301-542.300, contour maps and cross sections that show the anticipated final surface configuration of the permit area must be provided.

Analysis:

Original Deficiency R645-301-800, Provide a bond adjustment for the relocation and regrading associated with the proposed changes in the location of the topsoil borrow area and other pertinent associated changes associated with this amendment.

The Permittee states:

“Bonding calculations will need to be updated when an alternative substitute growth media, topsoil, fill is located and methodologies are finalized.”

The Permittee's response to the deficiency is inadequate. The Division realizes that the bond amount must be based on the approved reclamation plan. Since the reclamation plan is deficient, the bond cannot be determined at this time. After the reclamation plan has been approved, the Permittee must submit revised bond calculations.

Findings:

The information provided in the TA deficiency response is not considered adequate to meet the requirements of this section. Prior to approval, the permittee must provide the following in accordance with:

R645-301-800, the Permittee must supply the Division with a detailed cost estimate to reclaim the site that is based upon the approved plan.