

0070



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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INSPECTION REPORT

Partial: Complete: Exploration:

Inspection Date & Time: June 17, 1997, 10:00 AM to 1:00 PM

Date of Last Inspection: May 19, 1997

Mine Name: Wellington Preparation Plant County: Carbon Permit Number: ACT/007/012

Permittee and/or Operator's Name: Nevada Electric Investment Company (NEICO)/Earthco

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 Official(s): Paul Baker

Company Official(s): Patrick Collins and Steve Traweek

Federal Official(s): None

Weather Conditions: Partly Cloudy, 80'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 checked="" type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_(date)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" 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: June 17, 1997

(Comments are Numbered to Correspond with Topics Listed Above)

1. Permits, Change, Transfer, Renewal, Sale

On December 23, 1996, the Division issued a technical analysis of the Wellington Preparation Plant operation and reclamation plan containing thirteen deficiencies that were to be addressed by January 31, 1997. Three of these deficiencies have been adequately addressed, but ten have not. The response deadline was extended three times, finally to June 9, 1997. The Division received another extension request on that day but could not find good justification for another extension. However, an extension was granted to June 16, 1997, at 12:00 PM, and the extension letter indicated enforcement action would be taken if a response was not received by that date.

On June 16, 1997, a response was received by the Price Field Office, but the submittal was not signed by a representative of the permittee and did not attempt to resolve any issues dealing with soils. Because the submittal was not signed by a representative of the permittee, it could not be considered an official submittal. Two copies were subsequently received at the Salt Lake City Office, but they are being returned to the consultant that mailed them.

Since there was no response the Division could accept for review, notice of violation N97-41-4-1 is being issued for failing to comply with all requirements of the State Program, specifically those requirements cited in the technical analysis.

At the end of the previous inspection, I received a submittal signed by the resident agent proposing to delete portions of the permit area. Parts of the permit area that were proposed to be deleted included portions of the disturbed area. Without justification, these areas could not be withdrawn from the permit area. During the inspection, I examined these areas and found them to be disturbed. According to Mr. Collins, the areas north of the preparation plant were disturbed during road construction, and some other areas proposed to be deleted were disturbed by building a ditch to divert water from undisturbed areas away from the disturbed area.

4. Hydrologic Balance

a. Diversions

The report for the May inspection discusses an area of the ditch leading away from the Dryer Pond that needed to be cleaned. This work has been done.

b. Sediment Ponds and Impoundments

The culvert inlet to the Dryer Pond has been repaired.

The quarterly pond inspection reports for the first and second quarters of 1997 are photocopies of a 1996 report with the date changed. There is no original signature on these reports, just the photocopy of the signature on the 1996 report. I have no evidence the inspections were not made, but I am certain the reports are not fully accurate. The first quarter inspections were done March 24, and the reports indicate all the ponds were dry. However, when I did my inspection on March 25, I noted there was enough water in the plant pond that I wondered if it needed to be decanted. I have reason to believe other ponds contained water during both the first and second quarter inspections. I do not believe there are any stability problems with the ponds.

This type of reporting of inspections is not acceptable, and enforcement action will be taken if there are future documented inaccuracies.

The annual report includes certified pond inspection reports.

8. Noncoal Waste

The only building still standing is the office. Most of the scrap material has been taken away, and what remains is being stored relatively neatly.

INSPECTION REPORT

(Continuation sheet)

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13. Revegetation

There are no vegetation reporting requirements that I am aware of in the plan, but the annual report includes qualitative monitoring information about the surface facility test plots.

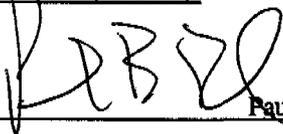
19 AVS Check

The annual report includes no new information about ownership and control. I am checking to be sure there are no changes.

Copy of this Report:

Mailed to: James Fulton (OSM), Patrick Collins (NEICO/Mt. Nebo Scientific), Steve Traweek (Earthco)

Given to: Joe Helfrich (DOGM)

Inspector's Signature:  Paul B. Baker #41 Date: June 27, 1997