



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

Michael O. Leavitt  
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December 4, 1997

Steve Traweek, Resident Agent  
EARTHCO  
1179 E. Main St. #104  
Price, Utah 84501

Re: Incomplete Submittal for Proposed Topsoil Borrow Areas, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012-MT97, Folder #3, Carbon County, Utah

Dear Mr. Traweek;

The Division has reviewed your November 5, 1997 submittal which proposed to amend the topsoil borrow areas at the Wellington Prep Plant site. This amendment was prompted by the Midterm Permit review which required additional information on sources of soil and cover material to be used during final reclamation of the site. While it appears that we are making some progress toward completing the Midterm requirements, there is still missing information and deficiencies in your submittal. The enclosed memos discuss the problems with the submittal and outline the items that must be submitted before we can approve your amendment. Please review the memos carefully and respond as quickly as possible. It is imperative that this outstanding issue be resolved.

You should recall that this issue is the subject of a Notice of Violation (N97-41-4-1) which you are still obligated to abate. It is our understanding that the abatement is scheduled for December 8, 1997. If you cannot complete the abatement within the required time frame, you may want to request an extension to the abatement requirements.

Thank you for your help in completing this Permitting action. Please call if you have any questions regarding these requirements.

Sincerely,

Daron R. Haddock  
Permit Supervisor

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Enclosures

cc: Patrick Collins  
Paul Baker

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November 18, 1997

TO: File

THRU: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist 

RE: Alternative Topsoil Borrow Areas, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/038-97MT, Folder #2, Carbon County, Utah

**SUMMARY:**

Nevada Electric Investment Company has proposed to change the topsoil borrow areas for covering refuse at the Wellington Preparation Plant. The applicant does not intend to actually use the borrow sites but must have them for a worst-case scenario contingency.

The application and current operation and reclamation plan do not have cultural resources information about these areas, so, if the sites are to be disturbed, it will be necessary to collect baseline cultural resources information. The shadscale/galleta revegetation reference area is in borrow area D, and this reference area will need to be changed if the area is actually disturbed.

**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

**CULTURAL AND HISTORIC RESOURCES INFORMATION**

Regulatory Reference: R645-301-411.140

**Analysis:**

The application includes no new cultural resource information. The existing

operation and reclamation plan contains no information from actual surveys, but it quotes correspondence from the Division of State History and from the Division indicating the plan is in compliance with these regulations and that it is unlikely there are any cultural resources within the permit area.

The applicant does not intend to actually disturb the proposed topsoil borrow areas, so performing a survey and submitting the information as part of this application is not necessary. However, the applicant needs to commit to provide information in compliance with R645-301-411.140 and obtain a clearance from the Division of State History before any undisturbed sites are disturbed.

**Findings:**

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the applicant must provide the following in accordance with:

**R645-301-411.140**, The applicant needs to commit to provide cultural resource information before undisturbed areas are disturbed.

**VEGETATION RESOURCE INFORMATION**

Regulatory Reference: R645-301-321

**Analysis:**

Most of the area that would be disturbed by the proposed operation contains a shadscale/galleta community, but Indian ricegrass and sagebrush/galleta communities also exist on the east side of the Price River. Vegetation information in the existing operation and reclamation plan is adequate for these areas.

The shadscale/galleta reference area is within proposed borrow area D. Since the applicant does not intend to actually use this borrow area, it is not necessary to move the reference area at this time. However, if it becomes necessary to use the borrow area, the applicant will need to find another reference area in the same vegetation community. The plan should contain a commitment to this effect.

The revegetation plan in the existing operation and reclamation plan contains adequate plans for revegetating the areas that may be disturbed.

**Findings:**

Information provided in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the applicant must provide the following in accordance with:

**R645-301-341,** The application needs to contain a commitment to the effect that the shadscale/galleta reference area will be changed if borrow area D is disturbed.

**RECOMMENDATIONS:**

If the proposed topsoil borrow areas are ever disturbed, the applicant will need to provide additional cultural resources information and to propose changing the shadscale/galleta reference area. The plan contains vegetation resource information about the areas proposed to be disturbed, and biology portions of the reclamation plan are adequate.



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November 28, 1997

TO: File

THRU: Joe Helfrich, Permit Supervisor *Jeh*

FROM: Robert Davidson, Soils Reclamation Specialist *RAO*

RE: Midterm Review - EARTHCO's New Proposed Topsoil Borrow Areas Minor Amendment, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012-MT97, Folder #2, Carbon County, Utah

**SUMMARY:**

The topsoil borrow issues and events for the Wellington Preparation Plant have occurred as follows:

- The Division's July 25, 1996 Technical Analysis (TA) for the Wellington Mine Reclamation Plan (MRP) contained the following deficiency: *R645-301-533.252, supply the needed amount of borrow material to meet the minimum regulatory requirement of 4 feet of the best available, nontoxic and noncombustible material.*
- On October 23, 1996, Nevada Electric Investment Company (NEICO) provided a "Deficiency Response" submittal which replaced a portion of the existing MRP's Section 2.41, pages 4-10, (6/30/95 & 10/13/95) with an amended Section 2.41, pages 4-8, (10/23/96) for proposed topsoil borrow areas "A" through "G". The submittal also replaced Drawing G9-3511, certified 6/95 with an amended Drawing G9-3511, certified 10/96 illustrating the potential borrow areas.
- The Division responded to the 10/23/96 Deficiency Response on December 23, 1996. Soil Borrow Areas "A" and "B" were approved for soil borrow and were incorporated into the MRP with two outstanding deficiency findings for R645-301-233 and R645-301-241. In review, these two outstanding deficiency findings required that on-site, real-time analysis be provided for Area "A" to demarcate soil salvage based on subsurface soil quality, borrow of Area "A" soils should only occur after Area "B" soils have been exhausted, additional sampling of Area "B" soils should be performed to further examine the northern and periphery portions of this proposed topsoil

borrow area , and finally Area "E" should be replaced by Area "B" in the MRP as referenced in Section 2.41.

- NEICO's Midterm submittal requested that the application for using Soil Borrow Areas "A", "B", and "C" (Plate G9-3511) be withdrawn from the MRP because Soil-Borrow Area "A" had been classified Prime Farmland as determined by the NRCS on April 11, 1997, EARTHCO proposed that soil removal and excavation within Areas "B" and "C" would create a catchment basin that would potentially impound water adjacent to a primary road and rail spur, and finally EARTHCO committed to investigate alternatives for soil borrow by replacing areas "A", "B", and "C".
- The Division responded with a Technical Analysis on September 30, 1997 which contained three deficiencies. The Division essentially rejected the expulsion of Areas "B" and "C" from the disturbance area because EARTHCO failed to find alternative borrow. In addition, extra pressure is now placed on the remaining Borrow Areas "B" and "C" because "Prime Farmland" area "A" cannot be used for soil borrow. The statement for creating a "catchment basin" is false because the MRP does not contemplate nor does the Division approve establishing an impoundment in the soil borrow areas.
- A meeting was held on October 16, 1997, with EARTHCO (Steve and Ana Traweek) and the Division (Bob Davidson, Paul Baker, Wayne Western, Susan White, Daron Haddock, Joe Helfrich, and Mary Ann Wright). EARTHCO presented an Alternative Soil Borrow Area "H" located in the hills which lie west of the Wellington Preparation Plant. Their proposal also included using Mancoes as part of the four feet fill cover in addition to soil. The Division rejected the Mancoes proposal. The meeting concluded that EARTHCO still needed to locate additional soil borrow before the Division could release Areas "B" and "C".
- EARTHCO has responded with the current submittal on November 5, 1997 with a proposed topsoil borrow area minor amendment that replaces Section 2.41 and Drawings G9-3511 and E9-3341. Essentially, four potential topsoil borrow areas and earthen dikes are proposed as the source for soil borrow and reclamation of the Wellington Preparation Plant.

**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

**SOILS RESOURCE INFORMATION**

Regulatory Reference: 30 CFR Sec. 783.21, 817.200(c); R645-301-220, -301-411.

**Analysis:**

Section 2.22 provides a detailed history of soil sampling in the borrow areas. According to the current submittal and based on the potential topsoil borrow areas and earthen dikes that have been proposed for reclaiming the Wellington Site, the following environmental resource information is still needed:

- Section 2.22 needs to be amended to include the soil survey for Topsoil Borrow Area "H" and should include discussion for soil identification, soil description, and characterization with a detailed soil map.
- Two of the topsoil borrow areas, Topsoil Borrow Areas "D" and "G", need further soil survey work to sufficiently describe the soil resources as soil borrow. Accurate soil descriptions, identifications, and characterizations will enable the accurate projection of soil depths and amounts available for borrow while leaving adequate soil volumes and quality for reclaiming the borrow areas. The soil surveys needs to be Order-I and meet the standards of the National Cooperative Soil Survey.
- Prior to approval for using the substitute soil materials in the Clearwater Pond dikes, soil characterization needs to be performed according to the Division Guidelines for Topsoil and Overburden<sup>1</sup>. Statistically correct sampling to represent the soil population in each dike for depth, breadth, and length will require obtaining soil cores from each dike.

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<sup>1</sup>Leatherwood, J., and Duce, D., 1988. Guidelines for Management of Topsoil and Overburden for Underground and Surface Coal Mining. State of Utah Department of Natural Resources, Division of Oil, Gas and Mining.

**Findings:**

The permittee must provide the following, prior to approval, in accordance with the requirements of:

**R645-301-220:** Section 2.22 needs to be amended to include the soil survey for Topsoil Borrow Area "H" and should include discussion for soil identification, soil description, and characterization with a detailed soil map.

Topsoil Borrow Areas "D" and "G" both need to be surveyed at an Order-I level and contain accurate soil descriptions, identifications, and characterizations to meet the standards of the National Cooperative Soil Survey.

**R645-301-224 and R645-301-233:** The proposed substitute soil materials located in the Clearwater Pond dikes need to be characterized according to the Division Guidelines for Topsoil and Overburden.

## **RECLAMATION PLAN**

### **TOPSOIL AND SUBSOIL**

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

**Analysis:**

Four potential topsoil borrow areas (Areas "D", "E", "G", and "H") and the earthen dikes containing the Clearwater Pond and the lower refuse basin have been selected as borrow sources for reclamation of the Wellington Preparation Plant. Following are issues that need to be addressed prior to approval of the proposed plan:

- **Main Plant Area** - Coal waste that remains on the surface of the main plant area needs to either be cleaned up and removed, or covered with four feet of soil materials.
- **Pumphouse** - The pumphouse needs to be located on Dwg. G9-3511 and E9-3341 and accurately described in the text of Section 2.41.
- **Topsoil Borrow Area "E"** - Area "E" soils quality are affected by salts which

presents some unique problems for reclamation and use of this area.

- (1) In terms of supplying the **“best available, nontoxic”** material for reclamation using salt affected soils, the MRP needs to discuss excavation depth, borrow area reclamation as influenced by upward mobility of salts, borrow area drainage, and possible water table contamination problems.
  - (2) How will the reclaimed Area “E” topography and drainage interact with the Siaperas Ditch?
  - (3) A 1-foot clay-capillary cover will accomplish the same purposes for a capillary barrier as a 2-foot cover will. Justification for having the proposed 2-foot capillary cover needs to be given for: (a) the extra depth and (b) in terms of importing additional salt in the “salt-laden” soils.
  - (4) Provide a reclamation contour relief map for Area “E”; also provide cross sections. These maps should include the Siaperas Ditch and the northern periphery of the upper reclaimed refuse pond.
- **Topsoil Borrow Areas “D”, “G”, and “H”** - Provide a soils-borrow map that codes soil-removal areas and depths within each of the Topsoil Borrow Areas “D”, “G” and “H”.

**Findings:**

The permittee must provide the following, prior to approval, in accordance with the requirements of:

**R645-301-120, R645-301-140, R645-301-231.300, R645-301-232.720, R645-301-233:** (1) In terms of supplying the **“best available, nontoxic”** material for reclamation using salt affected soils, the MRP needs to discuss excavation depth and borrow area reclamation as influenced by upward mobility of salts.

(2) A 1-foot clay-capillary cover will accomplish the same purposes for a capillary barrier as a 2-foot cover will. Justification for having the proposed 2-foot capillary cover needs to be given for: (a) the extra depth and (b) in terms of importing additional salt in the “salt-laden” soils.

(3) Provide a soils-borrow map that codes soil-removal areas and depths within each

of the Topsoil Borrow Areas "D", "G" and "H".

**R645-301-731, R645-750 and R645-760:** In terms excavation depth, salt affected soils and reclamation of Area "E", the MRP needs to discuss:

- borrow area drainage,
- possible water table contamination problems, and
- how the reclaimed Area "E" topography and drainage will interact with the Siaperas Ditch.

**R645-301-120, R645-301-140 and R645-301-542:** (1) Provide a reclamation contour relief map for Area "E"; also provide cross sections. These maps should include the Siaperas Ditch and the northern periphery of the upper reclaimed refuse pond.

(2) The pumphouse needs to be located on Dwg. G9-3511 and E9-3341 and accurately described in the text of Section 2.41.

**R645-301-553.260 and R645-301-553.300:** Coal waste that remains on the surface of the main plant area needs to either be cleaned up and removed, or covered with four feet of soil materials.