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

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May 21, 1997

Dr. Patrick Collins
Mt. Nebo Scientific
P. O. Box 337
Springville, Utah

Re: Alternate Postmining Land Use Permitting Issues and Ground Water Monitoring, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012, Folder #2, Carbon County, Utah

Dear Dr. Collins:

There are a few concerns about the Wellington Preparation Plant that I would like to address through this letter. The first involves a meeting Division staff had with personnel from Earthco, and the second pertains to two water monitoring wells near the slurry ponds.

As I informed you, Daron Haddock and I met with Steve Traweek and James Scott of Earthco and Mel Coonrod of Environmental Industrial Services on May 7, 1997. Robert Davidson of the Division staff joined the meeting for a few minutes near the end to discuss topsoil borrow sites.

The primary purpose of the meeting was to discuss how Earthco can most efficiently reclaim most of the Wellington Preparation Plant area to an industrial postmining land use. There is an area between the preparation plant and Ridge Road where Earthco is particularly anxious to change the land use and have the bond released in order to have an undisclosed industrial user take over.

Daron and I agreed that most areas within the permit area that have not been disturbed by coal mining and reclamation activities can be removed from the permit area without much difficulty and without public comment. It would require a permit amendment and modification of the current permit. However, some areas within the permit area are not currently disturbed but are proposed as topsoil borrow areas. Before these can be removed from the permit area, another alternative to the borrow areas would need to be approved.

There is a very important concept the Division representatives tried to emphasize: The plan *must* demonstrate that the site can be returned to the premining land use, and, until bond is actually released, the permittee must have a bond sufficient to return the site to the premining land use. Approval of a land use change does not automatically mean the bond can be released or reduced.

I envision a three-step process:

1. The permittee applies for a permit change showing the alternative postmining land use. The change would need to show how the postmining land use would be achieved including necessary support activities. This includes showing how drainage control will be altered and how the site will be graded.

Since the change is a significant revision that requires public notice, it would be advertised in a newspaper during review.

2. The Division approves the change, and the permittee implements the plan. Any changes needed to make the site suitable for the new land use are made.

One aspect we did not discuss in the meeting is the requirement of R645-301-356.240 to have a vegetative ground cover adequate to control erosion in those areas to be developed for an industrial use less than two years after regrading is completed. Basically, we want to see the site stabilized before releasing bond. Adequate vegetation could be none if there was another form of erosion control, such as gravel.

3. The permittee applies for bond release. Bond release also entails an advertisement and possible public comment. The Division prepares its findings and, assuming the site meets all requirements, releases bond.

As you or Earthco develops the postmining land use plan, I urge you to work closely with the Division and to arrange meetings as necessary to discuss these issues.

The other issue I wanted to mention is monitoring wells GW-15 and 16. In Section 7.31, the operation and reclamation plan contains a commitment to drill these wells. Well GW-15 would be north of the Siaperas Ditch, and GW-16 would be in the clear water pond. I do not believe these wells have yet been drilled although they have been an approved part of the plan since August 2, 1996. The plan does not give a time frame for drilling the wells, but NEICO or Earthco needs to begin work to complete them.

Please call if I can answer any questions about these issues.

Sincerely,



Paul B. Baker
Reclamation Biologist

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cc: Steve Traweck
Jim Scott

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