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UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

gph

### MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Nevada Electric Investment Co.  
Mailing Address 6226 W. Sahara, Las Vegas, NV 89151  
State Permit No. ACT/007/012

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code-Annotated (1953):

Notice of Violation No. N 98-41-3-1 dated May 14, 19 98

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_\_

Part 1 of 1 is modified as follows: abatement step No. 1 deleted; time to complete abatement steps 2 and 3 extended to June

Reason for modification is Abatement step 1 was not effective; <sup>29, 1998</sup> more time is needed for the Division of Water Quality to get lab results and decide how to permit the discharge

Reason for modification is \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailling June 9, 1998

Time of service/mailling 12:00  a.m.  p.m.

Date of inspection May 8, 1998

Steve Traweck  
Permittee/Operator representative

Resident Agent  
Title

Mailed from SLC office

Signature  
Paul B. Baker  
Division of Oil, Gas & Mining

Signature  
Reclamation Biologist  
Title  
cc: Steve Traweck  
Patrick Collins

Signature  
[Handwritten Signature]



UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

3 Triad Center - Suite 350 - Salt Lake City, UT 84180-1203 • 801-538-5340

Certified Return Receipt  
Z 230 747 323

*gh*

### MODIFICATION OF NOTICE OF VIOLATION/CESSATION ORDER

To the following Permittee or Operator:

Name Nevada Electric Investment Company

Mailing Address Box 230, Las Vegas, Nevada 89151

State Permit No. ACT/007/012

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated* (1953):

Notice of Violation No. N 98-41-3-1 dated May 14, 19 98.

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19 \_\_\_\_.

Part 1 of 1 is modified as follows: portion of operation to which operation applies to include diesel fuel in the water

Reason for modification is discharge to the Siaperas ditch and Price River

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Reason for modification is violation is for diesel fuel, not just for water

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailling May 18, 1998

Time of service/mailling 11:00  a.m.  p.m.

Date of inspection May 8, 1998

Steve Traweek  
Permittee/Operator representative

Resident Agent  
Title

Mailed From SLC Office

Signature

Paul B. Baker  
Division of Oil, Gas & Mining

Reclamation Biologist  
Title

PBB  
Signature

cc: Steve Traweek  
Patrick Collins

Signature

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

**SENDER INSTRUCTIONS**

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

Print Sender's name, address, and ZIP Code in the space below.

**DIVISION**

**OIL GAS & MINING**  
1594 W NORTH TEMPLE STE 1210  
BOX 145801  
MOBILE, AL 36684-5801

RETURN TO

- Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (See front).
- If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (no extra charge).
  - If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
  - If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
  - If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
  - Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
  - Save this receipt and present it if you make an inquiry.

PS Form 3800, April 1995 (Reverse)

Z 230 747 323

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	
STEVE TRAWEEK	
Street & Number	
3584 HWY 31 S #190	
Post Office, State, & ZIP Code	
PELHAM AL 35124	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

TT DGM ACT/007/007/010/1995  
PS Form 3800 April 1995  
MODIFICATION 1-3-1-17-86N

TT DGM 5/18/98 ACT/007/007/010/1995  
PS Form 3811, Mar. 1988 \* U.S.G.P.O. 1988-2:2-665 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional services requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to:

STEVE TRAWEEK  
EARTHCO  
3584 HWY 31 S #190  
PELHAM AL 35124

4. Article Number: Z 230 747 323

Type of Service:

Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address: *Steve Traweck*

6. Signature - Agent: *Steve Traweck*

7. Date of Delivery: \_\_\_\_\_

8. Addressee's Address (ONLY if requested and fee paid): \_\_\_\_\_



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

## INSPECTION REPORT

Partial: X Complete:    Exploration:     
Inspection Date & Time: May 8, 1998, 10:00 AM to 2:00 PM  
Date of Last Inspection: April 30, 1998

Mine Name: Wellington Preparation Plant County: Carbon Permit Number: ACT/007/012  
Permittee and/or Operator's Name: Nevada Electric Investment Company (NEICO)  
Business Address: c/o Earthco, 1179 East Main #104, Price, Utah 84501  
Type of Mining Activity: Underground Surface Prep. Plant X Other  
State Officials(s): Paul Baker and Robert Davidson  
Company Official(s): Roy Benson, Layne Ashton and Bob Evans (Covol), Mark James (JBR representing Covol)  
Federal Official(s): None  
Weather Conditions: Mostly cloudy, 60's, moderate to slight wind shifting from south to various directions  
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/ENE
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input 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 type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_(date)	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## INSPECTION REPORT

(Continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/007/004

DATE OF INSPECTION: May 8, 1998

(Comments are Numbered to Correspond with Topics Listed Above)

#### 4. Hydrologic Balance

##### e. Effluent Limitations

The primary purpose of this inspection was to follow through with some concerns from the April inspection. Diesel fuel, two forms of propylene glycol, and sodium silicate are added to the coal fines and water as part of the processing operation, and the plan says the tailwater would contain these compounds. During the last inspection, I was able to smell diesel fuel, and a Division hydrologist is convinced some tailwater from the ponds is seeping into the Siaperas Ditch and flowing into the Price River.

Messrs. Davidson and James took water samples from a rowboat in the northwest pond, the pipe leading from the plant to the pond, and from the Siaperas Ditch. Samples were also taken of foam floating in the pond and of tailings from the processing operation. The only split sample was the sample of water from the pipe. From the rowboat, Mr. James took a surface water sample and a sample from about two feet below the surface, but Mr. Davidson for the Division only took a surface water sample.

Based on the likelihood that diesel-contaminated water is seeping into the Siaperas Ditch and flowing into the Price River, violation N98-41-3-1 has been issued. It requires that the discharge to the Price River be stopped and that the permittee submit a plan to the Division showing how the discharge will be handled on a more permanent basis. The Division suggested to Covol that water from the ditch be pumped back into the northwest pond, at least until a more permanent solution can be found.

Analysis results of the Division's samples indicate a small amount of certain components of diesel fuel were in the water in the Siaperas Ditch. Highest concentrations were found in the foam and tailings.

The Division of Water Quality has been made aware of these findings. There are a few options that can be pursued, including permitting the discharge and attempting to line the ponds. The concentrations of benzene and toluene the Division found are lower than would normally be allowed for discharge into class 1 water, and they are lower than the standards for drinking water. However, since Colorado squawfish have been found in the river a short distance downstream of the plant, Water Quality will need to determine whether a discharge could be allowed.

Another concern that will need to be addressed is the possibility of groundwater contamination. The Division is considering issuing a Division Order to require the operator to sample the wells for certain components of diesel fuel.

#### 9. Fish and Wildlife and Related Environmental Values

The Division is trying to find more information about toxicity levels of diesel fuel components to waterfowl. At this time, it does not appear there is a severe risk to their health as long as birds are not spending a long time in the water. If any dead or dying birds are found, they need to be reported to the Division and to Wildlife Resources immediately.

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: May 21, 1998