


MT NEBO SCIENTIFIC, INC.
research & consulting
VIA: FACSIMILE & U.S. MAIL

June 9, 1999

Paul Baker
 STATE OF UTAH
 Division of Oil, Gas & Mining
 1594 West North Temple, Suite 1210
 Salt Lake City, Utah 84114-5801

ACT/007/012 #25
 Copy Joe NOV file

RE: Request for Abatement N98-41-5-1
 Wellington Plant (ACT/007/012)

Dear Mr. Baker:

The Wellington Preparation Plant received the above-cited NOV for "failure to conduct all mining and reclamation operations only as described in the approved application". The remedial action required to abate the NOV was to: 1) gain approval for the drainage control plan for the coal handling area and fully implement the plan, 2) gain approval for moving the topsoil stockpiles, and 3) prepare and seed areas where the stockpiles were and the expanded stockpile.

To review, a berm was placed between watersheds during reclamation activities and in anticipation that Andalex would buy a portion of the existing permit area. This berm could eventually be used to separate watersheds between owners. Since that time, Andalex has had some delays in their plans to buy the property. To comply with the current approved plan, present runoff was studied and the aforementioned berm was breached (or rendered discontinuous) in an appropriate location so that sediment control would remain as approved in the current plan and *not* separate watersheds at this time.

Also as part of the reclamation effort at the Wellington Preparation Plant, Topsoil Stockpiles Nos. 1 and 2 were relocated and added to Topsoil Stockpile No. 3.

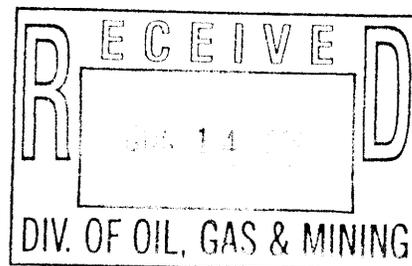
In our endeavors to have the above-cited NOV abated: 1) drainage control has been made consistent with the current approved MRP, 2) plan views and typical sections of the new Topsoil Stockpile No. 3 along with maps and updates to the MRP have been submitted (June 9, 1999) and, 3) the new Topsoil Stockpile No. 3 has been seeded with an approved seed mix (December 1998).

It is my opinion that all requirements have been met for abatement of the NOV. Please notify me with your comments.

Sincerely,

Patrick D. Collins, Ph.D.
 Resent Agent/Environmental Consultant

cc: Dennis Schwehr (NEICO)





MT NEBO SCIENTIFIC, INC.
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Comments & Instructions
for Insertions to the Mining & Reclamation Plan
of the Wellington Preparation Plant
ACT/007/012

June 9, 1999

Response to State of Utah, Division of Oil, Gas & Mining
Notice of Violation N98-41-5-1

Comment:

Topsoil Stockpiles Nos. 1&2 were removed and placed on Stockpile 3. Following are some changes to the MRP that should make it more current with these changes.

A figure showing plan and sectional views has also been included.

Instructions:

Sec. 2.31, p. 3-7, 3/5/99, of this submittal replaces
Sec. 2.31, p. 3-5, 1/27/91, of the current approved MRP.

The figure titled "Wellington Preparation Plant: Topsoil Stockpile No. 3" of this submittal should be added to Appendix F, Volume 3C, of the current MRP.

Comment:

A berm was placed between watersheds during reclamation activities and in anticipation that Andalex would buy a portion of the existing permit area. This berm could eventually be used to separate watersheds by owner. Current runoff was studied and the berm was breached (or rendered discontinuous) in an appropriate location so that sediment control would remain as approved in the current plan and not separate watersheds at this time.

A map showing the berm and the breached portion has been included with this submittal.

Instructions:

Dwg. F9-177 (1 of 2), of this submittal replaces
Dwg. F9-177 (1 of 2), of the current approved MRP.

APPLICATION FOR PERMIT PROCESSING

<input checked="" type="checkbox"/> Permit Change	<input type="checkbox"/> New Permit	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Exploration	<input type="checkbox"/> Bond Release	Permit Number: ACT/007/012
Title of Proposal:						Mine: WELLINGTON PREPERATION
Berm & Topsoil Stockpiles (Update to MRP as a result of N98-41-5-1).						Permittee: NEICO

Description, include reason for application and timing required to implement.

Instructions: If you answer yes to any of the first 8 questions (gray), submit the application to the Salt Lake Office. Otherwise, you may submit it to your reclamation specialist.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	1. Changes in the size of the Permit Area? <small>Area: Disturbed Area? Areas: <input type="checkbox"/> Increase <input type="checkbox"/> Decrease</small>
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	2. Is this application submitted as a result of a Division Order? DO #
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	3. Does application include operations outside a previously identified Cumulative Hydrologic Impact Area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4. Does application include operations in hydrologic basins other than as currently approved?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	5. Does application result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	6. Does the application require or include public notice/publication?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	7. Does the application require or include ownership, control, right of entry, or compliance information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	8. Is proposed activity within 100 feet of a public road or temporary or 300 feet of an occupied dwelling?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	9. Is the application submitted as a result of a Violation? NOV #
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	10. Is the application submitted as a result of other laws or regulations or policies? Explain:
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the application affect the surface landowner or change the post mining land use?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2?)
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	13. Does the application require or include collection and reporting of any baseline information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	15. Does application require or include soil removal, storage or placement?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	16. Does the application require or include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	17. Does the application require or include construction, modification, or removal of surface facilities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	18. Does the application require or include water monitoring, sediment or drainage control measures?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	19. Does the application require or include certified designs, maps, or calculations?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	20. Does the application require or include subsidence control or monitoring?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	21. Have reclamation costs for bonding been provided for?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	22. Does application involve a perennial stream, a stream buffer zone or discharges to a stream?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	23. Does the application affect permits issued by other agencies or permits issued to other entities?

Attach 3 complete copies of the application.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein. (R645-301-123)

Signed - Name - Position - Date

Subscribed and sworn to before me this ____ day of _____, 19 ____.

Notary Public _____, 19 ____)
 My Commission Expires: STATE OF _____)
 Attest: COUNTY OF _____)

Received by Oil, Gas & Mining

ASSIGNED TRACKING NUMBER

stockpile establishment. Stockpiles will be deep-gouged to enhance water infiltration, to impede erosion, and to reduce loss from wind. A berm will be constructed around the base of each stockpile to prevent soil loss. Topsoil storage signs will be placed on all suitable topsoil material stockpiles.

Stockpiles will be surveyed after construction to determine depth and volume of materials. A map and cross-sections of each pile will be submitted. Topsoil stockpile locations will be shown on facilities maps.

231.200 - Topsoil and Substitutes

Topsoil was stockpiled when the Wellington Coal Load-out Facility was constructed. Four topsoil stockpiles have been constructed from past activities in the permit area. Three of the stockpiles were created in 1989 when the main access road to the plant was constructed for Genwal Coal Company. Locations of the three piles are shown on Dwg. 4067-6-9A. Plan views and volumes of Topsoil Stockpiles 1, 2 and 3 are shown on Dwgs. 4067-6-18, 4067-6-19, and 4067-6-20, respectively. As part of the reclamation effort for the facilities area at the Wellington Preparation Plant, Topsoil Stockpiles Nos. 1 and 2 were relocated and added to Topsoil

Stockpile No. 3 in November 1998. Total volumes of the three stockpiles were as follows:

Topsoil Stockpile No. 1 =	664.5 cubic yds.
Topsoil Stockpile No. 2 =	880.9 cubic yds.
<u>Topsoil Stockpile No. 3 =</u>	<u>1575.3 cubic yds.</u>
 New Topsoil Stockpile No. 3 =	 3099.7 cubic yds.
(includes Topsoil Stockpiles 1, 2, & 3).	

A figure that shows a typical section, plan view and volume for the new Topsoil Stockpile No. 3 is shown in Appendix F of the MRP.

The areas from which the topsoil was removed was seeded in December 1998 with the following approved (final) seed mix.

Final Seed Mixture for Areas Where
Stored Topsoil Stockpiles 1 & 2 Were Removed
(near main access road)

<u>Atriplex-Hilaria</u> (Available seeds only)	Rate/acre	# Seeds/ft ²
<i>Atriplex confertifolia</i>	6.00	8.82
<i>Ceratoides lanata</i>	6.00	7.58
<i>Chrysothamnus nauseosus</i>	0.50	4.59
<i>Artemisia nova</i>	0.25	5.21
<i>Atriplex canescens</i>	6.00	7.58
<i>Atriplex corrugata*</i>		
<i>Ephedra viridis</i>	4.00	2.30
 <i>Sphaeralcea coccinea</i>	 1.00	 11.48
<i>Helianthus annuus**</i>	4.00	5.33
<i>Linum lewisii**</i>	2.00	12.76
<i>Melilotus officinalis</i>	3.00	17.91
 <i>Bouteloua gracilis</i>	 1.00	 16.32
<i>Hilaria jamesii</i>	4.00	14.60
<i>Elymus trachycaulus</i>	4.00	14.69
<i>Stipa hymenoides</i>	3.00	12.95
 TOTALS	 45.00	 152.14

* Seeds not available

**Substitute species (approved by DOGM)

The new Topsoil Stockpile No. 3 was seeded with the following (approved) interim seed mix in December 1998.

Interim Seed Mixture For Topsoil
Storage Pile (Near Coarse Refuse Pile)
 Interim Mixture

	Rate/acre	# Seeds/ft ²
<i>Atriplex canescens</i>	4.00	5.05
<i>Linum lewisii</i>	2.00	12.76
<i>Melilotus officinalis</i>	2.00	11.94
<i>Medicago sativa</i>	2.00	9.64
<i>Elymus junceus</i>	4.00	16.07
<i>Agropyron cristatum</i>	6.00	27.55
<i>Sitanion hystrix</i>	2.00	8.82
<i>Elymus lanceolatus</i>	6.00	21.21
Totals	28.00	113.04

*** (Broadcast seeding rates)

The fourth topsoil stockpile (No. 4) was created previously when the coal cleaning plant was in operation. Volume of this pile is 2,490 cu. yds. For a survey of Topsoil No. 4 including cross-sections, contours, slopes, volumes and raw data, refer to Appendix F.

Suitable topsoil substitutes will be used to amend the topsoil deficiency. These substitutes will be discussed in Section 2.33 (R614-301-233) of this plan.

231.300

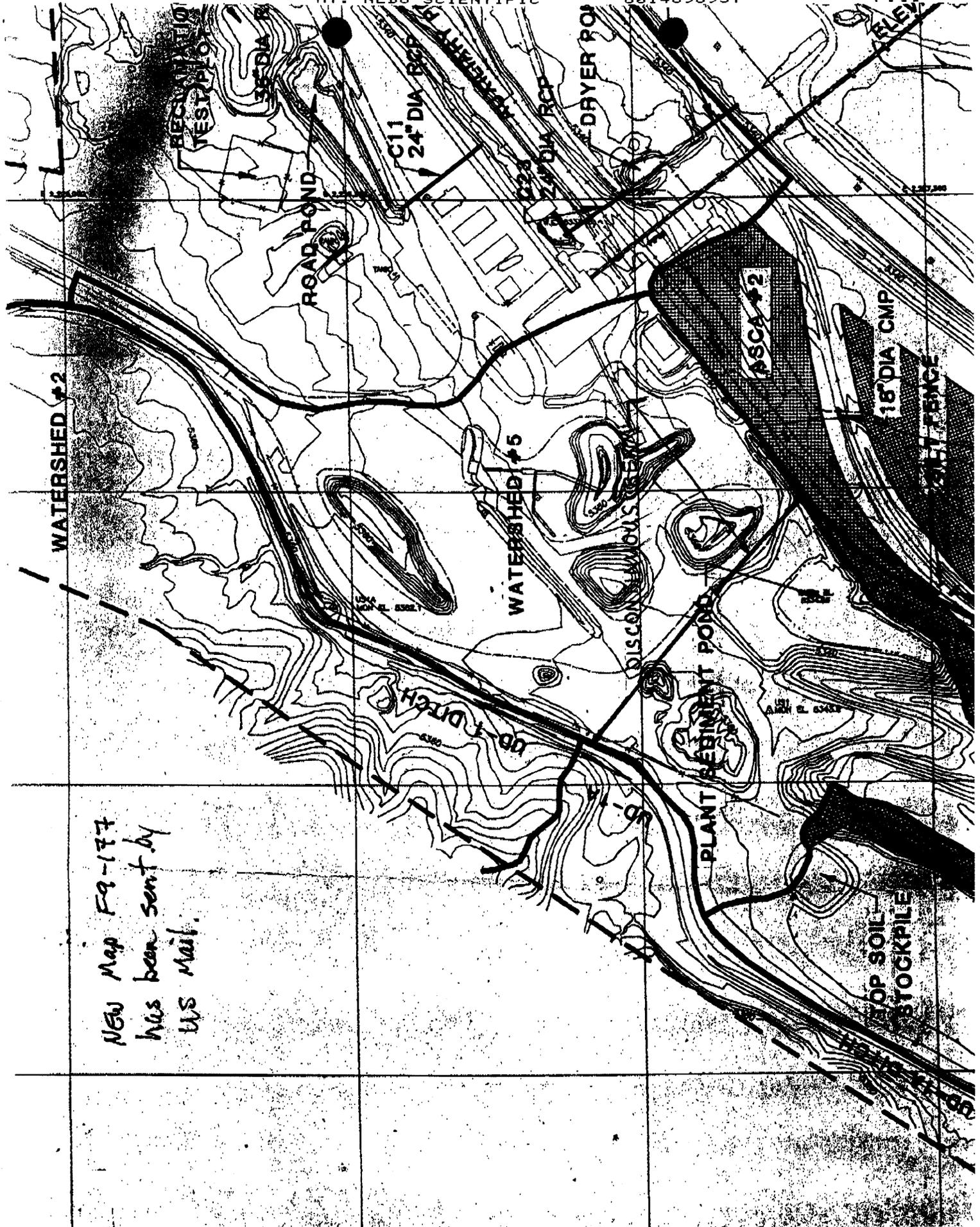
After topsoil materials have been redistributed for revegetation, a soil sampling program to identify soil fertility problems and determine necessary soil amendments will be carried out. The same parameters as addressed in Section 2.31 (231.100) will be analyzed. If indicated, nutrients and amendments such as fertilizer, organic material, gypsum or lime will be incorporated into the redistributed soils with the appropriate equipment. Exact type and amount of such amendments will be determined after consultation with the Division.

After revegetation, plant growth will be observed for evidence of nutrient deficiencies. Additional nutrients will be added during the revegetation monitoring period if conditions indicate their need.

231.400

Construction of new topsoil material storage areas is discussed under Section 2.31 (231.100). There are currently four topsoil material stockpiles in the approved permit

area. Locations of these stockpiles are shown on Dwgs. E9-3341 and 4067-6-8B. Three topsoil stockpiles were built during construction of the main access road in 1989. Locations of these topsoil stockpiles are show on the General Facility View and Soil Sample Location Drawing (Dwg. No. 4067-6-8B). For as-built topsoil stockpile drawings showing contours, heights, cross-sections, and volumes refer to Dwgs. 4067-6-18, 4067-6-19, 4067-6-20 and Appendix F. As mentioned previously, topsoil Stockpiles Nos. 1 and 2 were relocated and added to Topsoil Stockpile No. 3 in November 1998 (see Section 231.200 and Appendix F).



New Map F9-177
 has been sent by
 US Mail.

TOP SOIL
 STOCKPILE

PLANT SEEDING POND

ASCA #2

18" DIA CMP

20' FENCE

DRYER POOL

C11

24" DIA RCP

24" DIA RCP

ROAD POND

WATERSHED #5

WATERSHED #2

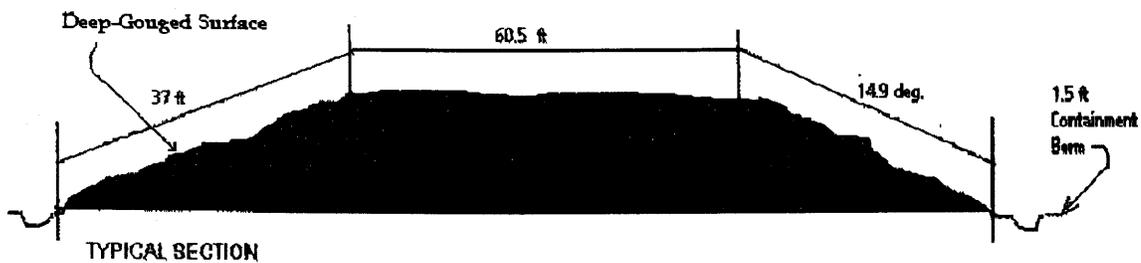
DO-DITCH

DISCONTINUED

A. 24' E. 6348'

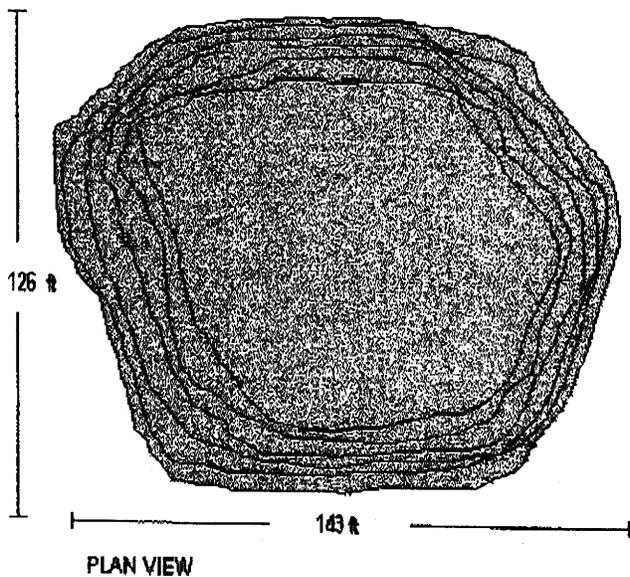
10
 9
 8
 7
 6
 5
 4
 3
 2
 1

WELLINGTON PREPARATION PLANT Topsoil Stockpile No. 3



VOLUMES (cubic yds)
Old Stockpile No. 1 = 665.5
Old Stockpile No. 2 = 860.9
Old Stockpile No. 3 = 1575.3

Total New Topsoil Stockpile No. 3 = 3099.7



	MT. NEBO SCIENTIFIC, Inc. research & consulting
	Springville, Utah 84663
June 8, 1999	