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DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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March 18, 1999

TO: Pamela Grubaugh-Littig, Permit Supervisor *pgl*  
THRU: Daron Haddock, Permit Supervisor *DH*  
FROM: Wayne H. Western, Reclamation Specialist *w h w*  
RE: Request for Bond Release, Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012-BR97, File #2, Carbon County, Utah

**INTRODUCTION:**

On February 18, 1999, the Division received additional information about the Permittee's request to amend the Wellington Preparation Plant's MRP. The changes to the MRP were for the postmining land use, the topsoil borrow area, hydrologic boundary and partial bond release.

**Technical Analysis:**

**RECLAMATION PLAN**

**GENERAL REQUIREMENTS**

**Analysis:**

On Page 4 of Section 5.40 of the February 18, 1999 submittal the Permittee states:

The Dryer, Auxiliary and Road sediment ponds will remain following reclamation including the concrete structure in the Auxiliary Pond. These ponds will remain to provide interim sediment control necessary for the industrial site - that proposed for the postmining land use change. In conjunction with construction of the industrial area another sediment pond to accommodate all runoff and sediment control for the site has been planned.

The Sand Hopper located below railroad rails in one small area will also remain following reclamation and construction of the industrial site. The rails over the Sand Hopper are a valuable asset to the proposed new owner and will be removed and used for the rail loop proposed and designed for the new facility. The Sand Hopper will then be easily buried.

As mentioned in other sections of the MRP, the Track Hopper and main access road to the property will also remain as vital components to the industrial site. As safety precautions, the entrance gate has been locked, "no trespassing" signs have been posted, the Track Hopper door has been lock, the concrete structure within the Auxiliary Sediment Pond and

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the Track Hopper conveyor portal have been fenced and steel gates over the Sand Hopper have been repaired and the entrance sealed.

The Division inspected the sediment ponds and found that they were in good working condition. The sediment ponds will be needed for drainage control during the construction of the proposed coal mining load out. The Division determined that the sediment ponds will be compatible with the postmining land use and should be retained. See the hydrology section of the TA for more information about the sediment ponds.

The Permittee states that the Sand Hopper will not be retained as part of the coal load out. The Sand Hopper is scheduled to be demolished and backfilled so that the proposed railroad tracks can have the proper grade. The existing rails would be used to construct the proposed coal load out. If the coal load out is not constructed, the Division believes that another industrial operation would be constructed on the site. The alternative industrial facility could use the Sand Hopper or the rail. The Sand Hopper is in working condition and has been fenced to protect the public. The Division determined that Sand Hopper is compatible with an industrial site which is the most likely land use for that property. The Division determined that the Sand Hopper would be compatible with an industrial site and can be retained.

The Track Hopper and main access road will be needed for the postmining land use. The main access road provides the only access to the property with the exception of the railroad. The Track Hopper will be used as a sump to collect and store industrial water. The coal load out will require a large amount of water for dust suppression. If the Track Hopper is demolished then the operator of the coal load out would have to construct a similar facility. The current Permittee has secured the Track Hopper with a fence and locks.

**Findings:**

The Permittee met the minimum requirements of this section.

**BACKFILLING AND GRADING**

**Analysis:**

In Section 5.40 of the February 18, 1999 submittal the Permittee states:

The area north of the berm and west of the D&RGW Railroad (see E9-3342) is suitable for the proposed industrial end land use. After completion of the berm and ditch no other reclamation changes will be made to this area.

For reclamation purposes the coal material located at the old plant site will be graded to accommodate proposed drainage and to present a more aesthetically pleasing appearance. However, during construction of the new load out facilities, Andalex has committed to utilize much of this material as pad material for the new coal storage piles. For Andalex, this coal represents an asset, rather than a liability. When the new facility is constructed there will be two large coal storage pads required, each measuring approximately 5 acres. There will also be two emergency coal storage areas located within the interior of the truck

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loops, each comprising of nearly 6 acres. All of these areas will eventually require a coal pad working surface. Assuming an average depth of 6 inches, nearly 18,000 cubic yards of coal material may be needed to construct the pad surfaces. This amounts to approximately 12,000 tons. Economically, it is to Andalex's benefit to utilize as much of the existing coal material as possible of the new pad surfacing rather than sacrificing salable, high quality coal from the mine for this purpose.

The existing coal material located at the old plant area which has the lowest elevation of the property. It is Andalex's intent that this area would ultimately be utilized as the sediment pond of the entire 333-acre industrial site for the life of the new facility. During construction of the load out facility a substantial earthen impoundment structure would be constructed around the west, north and east sides of the old plant area, effectively turning the area into a large shallow sediment pond. The coal material remaining after Andalex has salvaged most of it for use as foundation in their coal piles will be used to create the impoundment structures for the sediment pond.

This material has been recently sampled (February 1999) for toxicities and acid forming potential. These data have been included in Sec. 2.22 of the MRP.

The Division will classify the coal material on the 333 acres to be coal if AML fees are collected on the sale of the coal material. The Division has used the payment of AML fees to determine whether a material is coal or coal mine waste in the past. For example, the Skyline mine permittee wanted to ship material from their coal mine waste disposal facility to Los Angeles where the material would be used as base material for coal stockpiles. The Division changed the classification of the material in disposal facility from coal mine waste to a coal when the AML fees were paid.

Andalex has committed to use much of the coal material but not all of it as a stockpile base. The material not used in the stockpile base would be used to construct the sediment pond for the new coal load out facility.

R645-301-536.400 states that impounding structures can be constructed of coal mine waste if the structure meets the requirements of the coal rules. R645-301-552.200 states that permanent impoundments can be left if they are suitable for the approved postmining land use. The Division considers leaving an impoundment constructed from coal mine waste to be left on site similar to allowing coal mine waste that will be used to construct an impoundment as part of the postmining land use to be equivalent.

Two concerns that the Division has with allowing the coal mine waste to remain are that the material could hinder vegetation growth and pollute water. The test results on the material show that it has a high boron level. The boron level averaged 5.6 ppm and the Division's guidelines for boron toxicity are 5.0 ppm. Since the site will be used as an industrial area the Division does not believe that vegetation will have to be established in order for the land to meet the postmining land use. See the soil section of the TA for more information about boron and vegetation.

The Division is concerned that the boron could leach out of the material and pollute the surface water or groundwater. R645-301-746.120 states that coal mine waste will be placed to minimize effects of leachate and surface water runoff on surface and ground water quality and quantity. The Division reviewed the water quality monitoring reports and found that the surface and ground water have high

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background boron levels. The Division believes that leachate from the coal mine waste will have boron levels similar to background levels. Therefore, allowing the coal mine waste to remain on site will not cause environmental harm. See the hydrologic section of this TA for additional information.

The Permittee constructed a berm northwest of the plant refuse pile with coal mine waste material. The berm is shown on Drawing No. E9-3342. The construction of the berm was illegal and resulted in a notice of violation (N98-41-5-1) being issued for several reasons including but not limited to:

- Coal mine waste can only be stored in approved storage sites (R645-301-521.165). The berm is not an authorized storage site.
- Coal mine waste can only be disposed of in permitted sites (R645-301-536). The area is not an approved disposal site.
- Coal mine waste can only be used to construct structures that have certified designs (R645-301-536.400). The berm design has not been approved by the Division and certified by a professional engineer.

The Permittee proposed to reclaim the berm grading it into the surrounding area. R645-301-536 requires that all coal mine waste be disposed of in an approved facility. Since the area in and around the berm is not an approved facility the Permittee must state where that material will be disposed. One way to dispose of the material is to move it back to the plant refuse pile.

**Findings:**

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

**R645-300-147**, The Permittee will pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit for sale, transfer or use if the coal material is classified as a product. Specifically the Permittee must either pay AML fees on the coal material that is within the 333 acres or show that the AML fee has already been paid.

**R645-301-521.165 and R645-301-536**, The Permittee will remove the coal mine waste material in the berm sited in the notice of violation N98-41-5-1 and place the material either in an approved storage site or in a permitted disposal facility.

**R645-301-536**, The Permittee submit plans showing how and where the coal mine waste material used to construct the berm will be disposed.

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## **ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES**

### **Analysis:**

In Section 4.12 of the proposed MRP the Permittee states:

Access Road - The existing paved access road leading into the site will continue to be maintained and utilized as the primary access to the site during construction and operation of the new load out.

The main requirements for leaving a road for a postmining land use are that the road is classified as a primary road and designed, constructed and maintained in accordance with the requirements for primary roads and in consideration of the approved postmining land use. The road is classified as a primary road and meets the design requirements. The road will be needed for access to the proposed coal load out. The Division finds that the access road meets all the requirements of R645-301-513, R645-301-521, R645-301-527, R645-301-534 and R645-301-537. Therefore, the Division approves the plan to leave the access road.

### **Findings:**

The Permittee met the minimum requirements of this section.

## **MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS**

### **Analysis:**

#### **Final surface configuration maps.**

On page 5.40 of the MRP the Permittee states:

The main plant facilities area west of the Price River will be regraded as shown on Map E9-3342 following the removal of the surface facilities. Culverts beneath the plant railroad system will be removed and the surface regraded to maintain drainage to the culverts beneath the D&RGW Railroad Mainline. The fills constructed for the plant railroad system and the ponds will be contoured to blend with the surrounding areas. The diversion ditch will be regraded as shown on Map E9-3342. The regraded areas will be prepared and seeded in accordance with the revegetation plan (see Section 3.41).

Map E9-3342 shows the operational and reclaimed contours. During reclamation soil will be removed from borrow areas and those areas graded and reclaimed. The contour lines are the same for the operational and reclamation phase. The Permittee must show the operational contours and the reclaimed contour for the borrow areas. See the soil section of the TA for additional information.

### **Findings:**

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

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with:

**R645-301-542.310**, The amendment states that during soil removal from the borrow areas (see G9-3511) those areas will be graded as shown on Map E9-3342. Map E9-3342 does not show any alterations to the original contour lines to account for soil removal and grading.

## **BONDING AND INSURANCE REQUIREMENTS**

### **Analysis:**

#### **Determination of bond amount.**

The Division calculated the reclamation cost for the Wellington Preparation Plant once the railroad load out area has been released. The Division calculated the reclamation cost to be \$2,827,000. See the attached sheets for the reclamation cost data.

### **Findings:**

The Permittee met the minimum requirements of this section.