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DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 17, 1999

TO: File

THRU: Joe Helfrich, Permit Supervisor

THRU: Daron Haddock, Permit Supervisor

FROM: Robert Davidson, Soils Reclamation Specialist RAD

RE: Berm and Topsoil Stockpile Amendment (N98-41-5-1), Nevada Electric Investment Company, Wellington Preparation Plant, ACT/007/012-99B, Folder #2, Carbon County, Utah

SUMMARY:

The present submittal received on June 11, 1999, updates the MRP as a result of on-site ground changes made at the Wellington Preparation Plant in association with Notice of Violation N98-41-5-1. These on-site ground changes include:

- Topsoil Stockpiles 1 and 2 were relocated and place on Stockpile 3.
- Without Division approval, a berm was placed between watersheds during site activities in anticipation that Andelex would buy a portion of the existing permit area. The berm has been breached to render it discontinuous so as not to separate watersheds with the anticipation that sediment control would remain as approved in the current plan.

TECHNICAL ANALYSIS:

OPERATION PLAN

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-230.

Analysis:

The current approved MRP, Section 231.200 identifies four topsoil stockpiles that were

created during the Wellington coal Load-Out Facility construction and past permit area activities. Three of the stockpiles were created in 1989 when the main access road to the plant was constructed for Genwal Coal Company. Stockpile 4 was created previously when the coal cleaning plant was in operation. Locations of the three piles (piles 1, 2, and 3) are shown on Dwgs. 4067-6-8B, 4067-6-9A, E9-3333 and E9-3341. Plan views, surveyed contours, cross sections and resulting volumes of Topsoil Stockpiles 1, 2 and 3 are shown and listed as follows:

Stockpile #	MRP Map	Soil Volume Cubic Yards
1	4067-6-18	665.5
2	4067-6-19	860.9
3	4067-6-20	1575.3
Total		3101.7

Topsoil Stockpiles 1 and 2 were relocated and placed on Stockpile 3 in November 1998. The amendment lists the volumes of the three stockpiles as Stockpile 1 at 664.5 cy; Stockpile 2 at 880.9 cy; and stockpile 3 at 1575.3 cy, with a combined volume of 3099.7 cubic yards. These volumes do not match the volumes listed in the approved MRP as listed in the above table.

The new Appendix F figure submitted showing a typical cross section and plan view for the new Topsoil Stockpile 3, is not an approved engineered drawing. An engineered drawing needs to be approved by a Registered Professional Engineer, showing engineered surveyed contour lines, cross sections and volume calculations.

Without Division approval, a berm was placed between watersheds during site activities in anticipation that Andelex would buy a portion of the existing permit area. The berm has been breached to render it discontinuous so as not to separate watersheds with the anticipation that sediment control would remain as approved in the current plan. The submittal contains drawing number F9-177 revision 1 of 2, Hydrologic Evaluation Map. A line has been added to the map showing the "Discontinuous Berm" near the Plant Sediment Pond. The new submittal map F9-177 rev 1 of 2, needs to be current and show updated changes that have been made on the site. These changes should include, but not be limited to, showing removal of the Preparation Plant facilities, removal of Topsoil Stockpiles 1 and 2, and enlargement (surveyed and properly sized engineered contour lines) of Stockpile 3. In addition, Maps E9-3333 and E9-3341 show a "Subsoil Stockpile" immediately northwest and adjacent to the Wellington Preparation Plant road pond. The amendment, Map F9-177 revision 1 of 2, shows this Subsoil Stockpile as a spoil pile. This pile needs to be correctly identified as a Subsoil Stockpile.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. The applicant must provide the following in accordance with:

R645-301-120, Topsoil Stockpile volumes need to be verified and/or match the volumes listed in the approved MRP.

R645-301-512, The submittal drawing number F9-177 revision 1 of 2, Hydrologic Evaluation Map, needs to be current and show updated changes that have been made on the site. These changes need to include, but not be limited to, removal of the Preparation Plant facilities, removal of Topsoil Stockpiles 1 and 2, and enlargement (surveyed and properly sized engineered contour lines) of Stockpile 3. In addition, the "Spoil Pile" needs to be correctly identified as a "Subsoil Stockpile" as identified on Maps E9-3333 and E9-3341.

R645-301-521.165, A Topsoil Stockpile 3 map and cross sections needs to be prepared and certified according to R645-301-512. An engineered drawing needs to be approved by a Registered Professional Engineer, showing engineered surveyed contour lines, cross sections and volume calculations.

DISPOSAL OF COAL MINE WASTES

Regulatory Reference: R645-301-542.730, R645-301-553.250.

Analysis:

Section 2.41, page 1, of the existing approved MRP states that piles of coal waste in the main plant area will be removed and deposited on the coarse refuse pile.

Regulatory Perspective

The regulations clearly state that toxic materials and coal mine waste must be disposed of properly and covered to protect the surface and underground water resource as follows:

- R645-100 Definitions:

  "Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D388-95.

  "Coal Mine Waste" means coal processing waste and underground development waste.

  "Coal Processing Waste" means earth materials which are separated from the product coal during cleaning, concentrating, or the processing or preparation of coal.

  "Coal Preparation or Coal Processing" means the chemical and physical processing and the cleaning, concentrating, or other processing or preparation of coal.

  "Underground Development Waste" means waste-rock mixtures of coal, shale, claystone, siltstone, sandstone, limestone, or related materials that are excavated, moved and disposed of from underground workings in connection with Underground coal mining and reclamation activities.

  "Toxic-Forming Materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes are likely to produce chemical or physical conditions in soils or water that are detrimental to biota or uses of water.

- R645-301-536 Coal Mine Waste. The permit application will include designs for placement of coal mine waste in new or existing disposal areas within approved portions of the permit area. Coal mine waste will be placed in a controlled manner and have a design certification as described under R645-301-512.

- R645-301-536.300. Coal mine waste may be disposed of in excess spoil fills if approved by the Division and, if such waste is:

R645-301-536.320. Nontoxic and nonacid forming; and

- R645-301-542.730. Disposal of Coal Mine Waste. Coal mine waste will be placed in a controlled manner to ensure that the final disposal facility will be suitable for reclamation and revegetation compatible with the natural surroundings and the approved postmining land use.

- R645-301-553.300 Exposed coal seams, acid- and toxic-forming materials, and combustible materials exposed, used, or produced during mining will be adequately covered with nontoxic and noncombustible materials, or treated, to control the impact on surface and ground water in accordance with R645-301-731.100 through R645-301-731.522 and R645-301-731.800, to prevent sustained combustion, and to minimize adverse effects on plant growth and on the approved postmining land use.

Earthen Berm Constructed from Coal Waste

During grading of the main plant area, NEICO created an earthen berm which lies north west of the Plant Refuse Pile. Construction of the berm was an illegal activity that resulted in a notice of violation (N98-41-5-1). The berm is constructed from waste coal and mixed soil and coal from the main plant area. The waste coal berm was sampled, and found to be toxic with high levels of boron. The berm lies within the permit boundaries and outside the area to be released. The regulations clearly state that toxic coal mine waste and refuse must be disposed of within the permit area and properly covered to protect the surface and underground water resource. Therefore, the toxic waste coal used in the berm needs to be removed and disposed of in an approved refuse pile.

Findings:

Information provided in the application is not considered adequate to meet the requirements of this section of the regulations. The applicant must provide the following in accordance with:

R645-301-120, R645-301-536, R645-301-542.730 and R645-301-553.250, The amendment is incomplete and needs to include the following:

- Discussion of the construction of the berm from waste coal taken from the Preparation plant, including analysis, identification and discussion of the toxic nature of the waste coal used to construct the berm.

- Reclamation, removal and disposal of the toxic waste coal berm. The toxic waste coal needs to be removed and disposed of in an approved refuse pile and buried beneath four feet of non-toxic fill and soils.