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December 21, 2000 DIVISION OF OIL, GAS AND MINING

Jane Nakad (8ENF-T)
 U.S. EPA Region VIII
 999 18th Street, Suite 300
 Denver, CO 80202-2466

FAX PFO

RE: SPCC Plan at the Wellington Preparation Plant ([redacted])

Dear Ms. Nakad:

As you know, the U.S. EPA administers the SPCC program under Title 40 CFR, Section 112. Also, the State of Utah Administrative Code R645, Utah Coal Mining Rules (R645-301-730, R645-301-740 and R645-301-760) require mine related operations to contain acid and toxic materials to prevent water pollution. The Probable Hydrologic Consequences (PHC) of the state requires that our Mining and Reclamation Plan include information about proper storage and handling of petroleum products to minimize potential impacts to streams. Finally, the State of Utah, Division of Water Quality requires compliance of water quality standards for waters of the state. Mine properties are inspected by state and federal representatives.

At a recent inspection of the Wellington site by the State of Utah, Division of Oil, Gas & Mining (DOGM), a request was made to update the Spill Prevention Control and Counter Measure (SPCC) plan. I have reviewed the recently finalized guide for SPCC plans developed by the "Hydrology Working Group". In this guide, a site must have an SPCC plan if any of the following conditions are met.

- A mine with a fixed, non-transportation related facility, that could reasonably be expected to discharge oil into or on "navigable water" of the United States and where "navigable waters" is defined as any discharges into drains, ravines, ephemeral, intermittent and perennial water ways.
- A mine with above ground oil storage capacity of 660 gallons in a single container.
- A mine having with a total above ground oil storage capacity of more than 1,320 gallons.
- A mine with a total underground buried storage capacity of more that 42,000 gallons.

With recent reclamation activities at the Wellington site, the west side of the Price River no longer meets the above conditions. Furthermore, the east side of the river has been leased to a different operator (TechMat, LLC). TechMat has a separate SPCC plan designed for their specific operations. Therefore, it is my opinion that the SPCC plan for the west side is no longer needed.

Please let me know if you disagree with my findings and we will work to resolve the discrepancies

Sincerely,

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

cc: Pamela Grubaugh-Littig (UDOGM) ✓
 Nathan Guinn (DEQ)
 Rich Coyle (NEICO)