



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Kathleen Clarke  
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)

August 30, 2000

CERTIFIED RETURN RECEIPT  
Z 230 748 192

Nick Siaperas  
P.O. Box 283  
Wellington, Utah 84542

Re: Response to Citizen Complaint, Nevada Electric Investment Company, Wellington  
Preparation Plant, ACT/007/012, Outgoing File

Dear Mr. Siaperas:

On August 10, 2000 you called Lowell Braxton, Division Director, to complain about the dust from NEICO's, Wellington Plant blowing into your house and fields. I telephoned you that day and left a voice mail message, as did Pete Hess, Supervisor of the Division's Price Field Office on August 11, 2000.

I received your voice mail message on August 14 and was notified that you were out of town and would only be able to meet with Division staff during the weekend. Steve Demczak and Bill Malencik, Senior Reclamation Specialists from the Price Field Office met with you on Saturday, August 19, 2000 to investigate your complaint which you gave to them in writing on that date. Your written complaint raised concerns that NEICO has failed to control the dust problem and asked us for assistance.

The Division conducted an inspection of your property and NEICO's property as a result of your complaint. On August 19, 2000 representatives from the Division inspected your home and fields to view the fugitive dust problem. The day of the inspection was not windy and no wind blown dust was observed. During the inspection of your property on August 19 and on August 22, 2000, you gave the Division photos you took from your property of dust blowing prior to NEICO applying a surfactant (prior to July 4, 2000) and after the surfactant was applied (after July 4, 2000).

Representatives from the Division inspected the Wellington Preparation Plant on August 21, 2000. On the day of inspection there was only a slight breeze and no fugitive dust was observed. A violation was issued to NEICO that day for not having the correct phone number of the permittee on the permit identification sign. A copy of this inspection report is enclosed.

Siaperas Citizen Complaint

ACT/007/012

August 30, 2000

Page 2

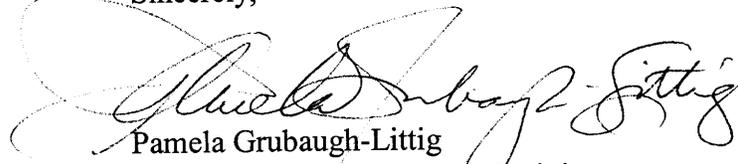
The information obtained from the Division's investigation of your complaint does not indicate that a violation of the Utah Coal Regulatory Program for fugitive dust has occurred. Pursuant to R645-301-420, the Division must make sure that "coal mining and reclamation operations will be conducted in compliance with the requirement of the Clean Air Act and any other application Utah or federal statues and regulations containing air quality standards. The application will contain a description of coordination and compliance effort which have been undertaken by the applicant with the Utah Division of Air Quality." Our records indicate that NEICO acquired the necessary air quality permits.

We will forward this information to Jeff Dean at the Utah Department of Environmental Quality (DEQ), Division of Air Quality (DAQ). In a Memorandum of Understanding between the Utah Division of Oil, Gas, and Mining (DOG M) and Utah Department of Environmental Quality (DEQ), dated September 1, 1999, DEQ is responsible for and the lead agency for administering and enforcing environmental laws for air quality.

You may request the Division Director to review this decision, under State of Utah R645 Coal Mining Rules, R645-400-240 (enclosed). This request for review needs to be in writing, and include a statement of how you are adversely affected and why the decision merits review.

If you have any other questions, please feel free to call me.

Sincerely,



Pamela Grubaugh-Littig  
Acting Associate Director of Mining

tm

enclosure

cc: Jeff Dean, Division of Air Quality  
Patrick Collins, resident agent for NEICO

P:\GROUPS\COAL\WP\007012.WEL\FINAL\0825ltr.wpd



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

1584 West North Temple Suite 1210  
P O Box 145801  
Salt Lake City, Utah 84114-5801

RETURN SERVICE REQUESTED

Fold at line over top of envelope to  
the right of the return address

**CERTIFIED**

Z 230 748 192

**MAIL**

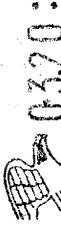


- Forwarding Order Expired
  - Insufficient Address
  - Moved, Left No Address
  - Unclaimed  Refused
  - Attempted - Not Known
  - No Such Street
  - No Such Number
- Route No. \_\_\_\_\_ Date \_\_\_\_\_  
Carr./Initials \_\_\_\_\_

NICK SIAPERAS  
PO BOX 283  
WELLINGTON UT 84542



U.S. POSTAGE



03:20

536474

SEP 04 2000  
SEP 15 2000

SEP 18 2000

ACT 10571612  
Outgoing

RECEIVED

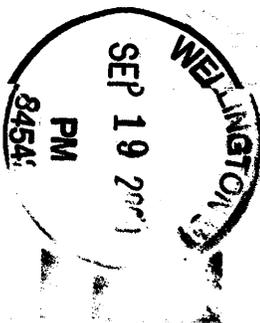
84114/5801

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NICK SIAPERAS  
 PO BOX 283  
 WELLINGTON UT 84542



**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

Agent

Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Registered

Insured Mail

Express Mail

Return Receipt for Merchandise

C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
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1694 West North Temple, Suite 1210  
PO Box 145601  
Salt Lake City, Utah 84114-5601  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

## INSPECTION REPORT

Partial: XXX Complete:    Exploration:     
Inspection Date & Time: 8/21/2000 / 10:00a.m.-3:00p.m.  
Date of Last Inspection: 7/28/2000

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 Mt. Nebo Scientific, P.O. Box 337, Springville, Utah 84663  
Type of Mining Activity: Underground Surface Prep. Plant XXX Other  
Company Official(s): Patrick Collins  
State Officials(s): Stephen J. Demczak, Bill Malencik Federal Official(s): None  
Weather Conditions: Warm, 80's, Slight Breeze  
Existing Acreage: Permitted-1573.5 Disturbed-392 Regraded-1.5 Seeded-1.5  
Status: Exploration/ XXX 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/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. SIGNS AND MARKERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input 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)DATE OF INSPECTION: 8/21/2000PERMIT NUMBER: ACT/007/012

(COMMENTS ARE NUMBERED TO CORRESPOND WITH TOPICS LISTED ABOVE)

**2. SIGNS AND MARKERS -**

The perimeter markers were spot-checked and are located around the perimeter of the disturbed area.

A Notice of Violation 00-39-1-1 was issued for not having the correct phone number on the identification signs located at the main gate entering the Covol's preparation plant. This impeded several citizens from contacting NEICO, permittee of the Wellington Preparation Plant. A resident of Nevada was receiving the phone calls.

This violation was abated during the inspection. The phone number was changed on the sign.

**7. REFUSE PILES -**

A citizen complaint was made by Mr. Nick Siaperas. He alleges that fugitive dust from the slurry ponds are blowing onto his fields and into his house. An inspection of the Siaperas property was conducted Saturday, August 19, 2000 and a report was filed. Mr. Siaperas was notified that an inspection at the Wellington Preparation Plant would be conducted on Monday, August 21, 2000, Mr. Siaperas did not attend.

The permittee was notified by Mr. Siaperas of dust problems in April or May of this year. The permittee stated that a surfactant was sprayed to cover the roads, pad areas, and the upper and lower slurry ponds totaling about 210 acres. The surfactant was applied on July 4, 2000.

The Wellington Preparation Plant site is currently idle with an occasional pick-up truck used for inspections and environmental maintenance.

The upper sediment pond was walked. The lower pond was not walked but observations were made from a distance.

NOTE: Mr. Siaperas stated in a phone conversation, August 24, 2000, that most of the dust was coming from the upper slurry pond.

The top of the upper slurry pond had a crust but broke as I walked on it, exposing loose coal fines. It was noticed that antelope or deer had broken the crust by walking on the pond. I did not notice any foot tracks left by people who had sprayed surfactant on the slurry pond by hose. I also did not see, on the pond, any dried puddles of surfactant. Dried surfactant was noticed on the roads in several places. The permittee said that the roads were compacted and the surfactant could not be absorbed into the ground whereas the slurry ponds were not compacted.

The surfactant to the lower slurry pond was applied with a truck mounted tank similar to a water truck. There were tire marks on top of the slurry fines. The tire marks were spaced equally up and down the pond. The lower pond has vegetation growth, the upper slurry pond has little or no vegetation.

**INSPECTION REPORT**

(Continuation sheet)

PERMIT NUMBER: ACT/007/012DATE OF INSPECTION: 8/21/2000

Surfactant was observed on the roads and pad areas. The crust from the surfactant made a crunching sound when walking, breaking the clumps of material. A large portion of this area is compacted due to previous equipment use.

We observed that part of the material storage area used by Covol was not sprayed with surfactant. This area is 20 feet by 60 feet and is next to the Covol's preparation plant.

**8. NON-COAL WASTE -**

The permittee will be removing eleven 55-gallon drums located at the Covol Preparation Plant. These drums contained chemicals for processing the coal. No drums were leaking.

**20. AIR QUALITY -**

Covol (DAQE-1014-97) and NEICO (DAQE-997-92) have separate Air Quality permits for the Wellington Preparation Plant.

Inspector's Signature: \_\_\_\_\_

Stephen J. Demczak

#39

Date

August 30, 2000

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas & Mining.

cc: James Fulton, OSM  
Patrick Collins, Mt. Nebo, NEICO  
Price Field office

O:\007012.WEL\Compliance\2000\p\_0821.wpd

**240. Review of Decision Not to Inspect or Enforce.**

241. Any person who is or may be adversely affected by coal exploration or coal mining and reclamation operations may ask the Director to review informally an authorized representative's decision not to inspect or take appropriate enforcement action with respect to any violation alleged by that person in a request for State inspection under R645-400-210. The request for review will be in writing and include a statement of how the person is or may be adversely affected and why the decision merits review.
242. The Director will conduct the review and inform the person, in writing, of the results of the review within 30 days of his or her receipt of the request. The person alleged to be in violation will also be given a copy of the results of the review, except that the name of the citizen will not be disclosed unless confidentiality has been waived or disclosure is required under Utah or federal law.
243. Informal review under this section will not affect any right to formal review or to a citizen's suit under the State Program.

4.20 AIR QUALITY (R645-301-420)

*ACT/007/012  
Citizen Complaint  
File*

All operations at the Wellington Coal Preparation Plant will be conducted in compliance with the requirements of the Clean Air Act (42 U.S.C. Sec. 7410 et seq.) and any other applicable state and federal statutes and regulations containing air quality standards.

The operator is presently performing activities under an approval order (AO) from the State of Utah, Department of Environmental Quality, Division of Air Quality (DEQ). The AO contains all pertinent information and descriptions necessary to be in compliance with the applicable regulations including operator addresses, coal stockpile information, equipment utilized, operational procedures, etc.

Notification of a company change from Castle Valley Resources to Earthco has been approved by DEQ. The AO dated DAQE-997-92, October 28, 1992, superseded AO DAQE-899-89, dated December 29, 1989, which superseded DAQE-762-89, dated November, 1989.

Although the AO dated DAQE-997-92, October 28, 1992, shows Genwal Coal Company as the contact name, the approval letter from DEQ (dated April 3, 1997) reflects the name change. Therefore, DEQ considers DAQE-997-92 (October 28, 1992) along with letter (April 3, 1997) the most current records for the

updated AO has been included in the following pages of this section.

Copies of the  
**INCORPORATED**  
SECTION  
Y 23 1997 97B

4.20

Post-It® Fax Note	7671	Date	# of pages ▶
To	<i>PAM / Lusk</i>	From	<i>Stone</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

IN OIL, GAS AND MINING



State of Utah  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR QUALITY

Norman H. Bangarter  
Governor  
Kenneth L. Alkema  
Executive Director  
F. Burnell Cordner  
Director

1950 West North Temple  
Salt Lake City, Utah  
(801) 536-4000  
(801) 536-4099 Fax

Reply to: State of Utah  
Division of Air Quality  
Department of Environmental Quality  
Salt Lake City, Utah 84114-4820

DAQE-997-92

October 28, 1992

R. Jay Marshall  
Castle Valley Resources, Inc.  
P. O. Box 766  
Wellington, Utah 84542

Post-It® Fax Note	7671	Date	# of pages
To	<i>Ann</i>	From	<i>State</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Re: Approval Order for Increase in Throughput  
Carbon County CDS ATT NSPS

Dear Mr. Marshall:

The above-referenced project has been evaluated and found to be consistent with the requirements of the Utah Air Conservation Rules (UACR) and the Utah Air Conservation Act. A 30-day public comment period was held and all comments received were evaluated. The conditions of this Approval Order (AO) reflect any changes to the proposed conditions which resulted from the evaluation of the comments received. This air quality AO authorizes the project with the following conditions and failure to comply with any of the conditions may constitute a violation of this order:

General conditions:

1. This AO applies to the following company:

<u>Facility Name and Address</u>	<u>Contact Name and Address</u>
Castle Valley Resources P. O. Box 766 Wellington, Utah 84542 637-2342	Genwal Coal Company P. O. Box 1201 Huntington, Utah 84528 687-9813 Attn: Chief Engineer

2. Castle Valley Resources shall operate the coal processing and loadout facility according to the information submitted in the Notice of Intent dated June 26, 1992.
3. A copy of this AO shall be posted on site. The AO shall be available to the employees who operate the air emission producing equipment. These employees shall receive ~~responsibilities~~ **INCORPORATED** responsibilities in operating the equipment in compliance with all of the relevant conditions listed below. **EFFECTIVE.**

MAY 23 1997 97B

UTAH DIVISION OIL, GAS AND MINING 4/30/97

R. Jay Marshall  
Page 2

4. The approved installations shall consist of the following equipment:

A. Coal Stockpiles

- Oversize coal stockpile to be fed to the screening/crushing plant
- Stoker coal stockpile formed by the screening/crushing plant
- Stoker coal stockpile transferred from the stoker coal stockpile formed by the screening/crushing plant
- Oversize/undersize coal product formed by the screening/crushing plant
- Run of Mine coal stockpile for direct loading to rail cars

Windrows of coal as formed by the belly dump trucks are allowed under this AO.

- B. A crushing/screening plant to consist of the following equipment:

- A feed hopper
- A crushing/screening plant
- Two conveyors

- C. A rail car loading conveyance system to consist of the following equipment:

- A feed hopper
- 3 conveyors
- Manual Grizzly

- D. Two front-end loaders

- E. A bulldozer

- F. Haul trucks hauling coal to and from the facility

5. This AO shall replace the AO dated December 29, 1989.

6. The Executive Secretary shall be notified in writing upon start-up of the of the crushing/screening plant installation, as an initial compliance inspection is required. Eighteen months from the date of this AO the Executive Secretary shall be notified in writing of the status of installation if installation is not completed. At that time the Executive Secretary shall require documentation of the continuous progress towards installation of the crushing/screening plant and may revoke the AO if the installation is not completed within 18 months of the date of this AO. R307-1-3.1.5, UAC.

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EFFECTIVE:

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R. Jay Marshall  
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Limitations and tests procedures

7. Visible emissions from all emission points shall not exceed 20% opacity. Opacity observations of emissions from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9.

Visible emissions from intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15 second intervals over a six minute period shall not apply.

Visible emissions determinations for traffic sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15-second intervals over a six-minute period shall not apply. An opacity reading shall be made when a vehicle passes a selected point. Opacity readings shall be made  $\frac{1}{2}$  vehicle length or greater behind the vehicle.

An initial compliance inspection is required for 40 CFR 60, Subpart Y, NSPS affected points which include the following:

- A. Coal processing and conveying equipment (including breakers and crushers)
- B. Coal storage systems
- C. Coal transfer and loading systems

See 40 CFR 60.251 for additional details.

The above points subject to 40 CFR 60, Subpart Y shall have an initial compliance inspection performed within 60 days of achieving the maximum production rate, but no later than 180 days after initial startup of the affected facilities in accordance with 40 CFR 60.11(e)(1).

The initial compliance inspection for the above 40 CFR 60, Subpart Y affected emission points shall be conducted using 40 CFR 60, Appendix A, Method 9, except that the minimum total time of observations shall be 180 minutes (thirty 6-minute averages) in accordance with 40 CFR 60.11(b).

The above initial compliance inspection for 40 CFR 60, Subpart Y affected facilities shall be the responsibility of Castle Valley Resources. Notification of the test date shall be provided in writing to the Executive secretary at least 45 days prior to the test date.

8. The following production limits shall not be exceeded without prior approval in accordance with R307-1-311.1(a)(1).

- A. The total throughput of the loadout facility shall not exceed 1,000,000 tons per rolling 2-month period. Compliance shall be determined by belt scale reading of the ROM coal loaded to rail cars, a record of ROM coal loaded to haul trucks, and a record of stoker coal loaded to trucks.

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EFFECTIVE  
MAY 23 1997  
97B

UTAH DIVISION OIL, GAS AND MINING

R. Jay Marshall  
Page 4

- B. The total stoker coal loaded to trucks shall not exceed 30,000 tons per rolling 12-month period. Compliance shall be determined by records of the total stoker coal loaded to trucks.

Compliance with the annual limitations shall be determined on a rolling 12-month total. Based on the first day of each month a new 12-month total shall be calculated using the previous 12 months. Records of throughput shall be kept for all periods when the facility is in operation. Records of throughput shall be made available to the Executive Secretary or his representative upon request and shall include a period of two years ending with the date of the request.

Roads and fugitives

- 9. All unpaved roads and other unpaved operational areas which are used by mobile equipment shall be water sprayed and/or chemically treated to control fugitive dust. The application of water or chemically treated shall be sufficient frequency and quantity to maintain the surface material in a damp/moist conditions such that the opacity limitation shall not exceed 20% opacity during all times the areas are in use or unless it is below freezing. If chemical treatment is to be used, the plan must be approved by the Executive Secretary. Records of water treatment shall be kept for all periods when the plant is in operation. The records shall include the following items:
  - A. Date
  - B. Number of treatments made, dilution ratio, and quantity
  - C. Rainfall received, if any, and approximate amount
  - D. Time of day treatments were made

Records of treatment shall be made available to the Executive Secretary upon request and shall include a period of two years ending with the date of the request.

- 10. The haul road shall be paved up to the operations area. The paved haul road within property boundaries shall be water flushed and/or broom swept as necessary so that the opacities of condition #7 are not exceeded or as determined necessary by the Executive Secretary.
- 11. Control of disturbed or stripped areas is required at all times (24 hours per day every day) for the duration of the operation until the area is reclaimed. Control shall be achieved through watering, chemical suppressants, or revegetation. If chemical treatment is used the plan must be approved by the Executive Secretary.
- 12. Water sprays or chemical dust suppression sprays shall be installed at the following points to control fugitive dust emissions:
  - A. All crushers
  - B. All screens
  - C. All conveyor transfer points
  - D. All hoppers

INCORPORATED

EFFECTIVE:

MAY 23 1997

97B

UTAH DIVISION OIL, GAS AND MINING  
4/30/97

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Page 6

Any future modifications to the equipment and operating practices approved by this order must also be approved in accordance with R307-1-3.1.1, UAC.

This AO in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including the Utah Air Conservation Rules.

Definitions of terms, abbreviations, and references used in this AO conform to those used in the Utah Air Conservation Rules (UACR) and Series 40 of the Code of Federal Regulations (40 CFR). These definitions take precedence unless specifically defined otherwise herein.

Annual emissions for this source are currently calculated at the following values:

- A. 15.68 tons/yr for Particulate
- B. 7.92 tons/yr for PM<sub>10</sub>
- C. 0.94 tons/yr for SO<sub>2</sub>
- D. 9.64 tons/yr for NO<sub>x</sub>
- E. 2.96 tons/yr for CO
- F. 1.30 tons/yr for VOC

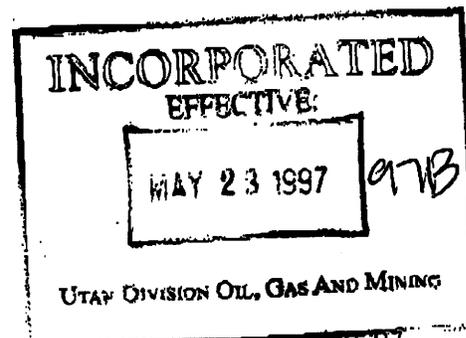
These calculations are for the purposes of determining the applicability of PSD and nonattainment area major source requirements of the UACR. They are not to be used for purposes of determining compliance.

Sincerely,

*F. Burnell Cordner*  
F. Burnell Cordner, Executive Secretary  
Utah Air Quality Board

FBC:DJ:dn

cc: EPA Region VIII, Mike Owens  
Southeastern Utah District Health Department



# STATE OF UTAH

## Department of Environmental Quality

### Division of Air Quality

## INTENT TO APPROVE COAL TAILING PREPARATION PLANT

Prepared By: DMK Environmental Engineering Inc.  
Reviewed By: Mike Behshti, Engineer

### INTENT TO APPROVE NUMBER

DAQE-873-97

Date: September 15, 1997

Source

Covol Technologies Incorporated

Post-It® Fax Note	7671	Date	# of pages ▶
To	<i>PAM</i>	From	<i>Steve</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

INCORPORATED  
EFFECTIVE:

JAN 02 1998

*97H*

**Abstract**

*Covol Technologies has developed a patented process allowing previously abandoned coal refuse to be reclaimed and reused as commercial fuel. The proposed site contains two refuse impoundments where the small previously considered waste coal has been dumped as a slurry. Each impoundment is several acres in size. Covol will build a washing facility using their new technology to reclaim the impoundments. The material will at first be hauled by front end loaders or trucks from the impoundments to the washing plant where it will be cleaned and sold as fuel. This is the initial phase which will allow up to 40 tons per hour to be reclaimed. The second phase will allow the removal of the refuse coal using dredging bars to pump the material to the washing plant. Full capacity will be 120 tons per hour. This plant is located between Price and Wellington, Utah in Carbon County. This area is considered to be an attainment area for all criteria pollutants. New Source Performance Standards (NSPS) subparts A and Y apply to this source. Title V applies to this source. This is a minor source. There will be a 30-day public comment period.*

The Notice of Intent (NOI) for the above-referenced project has been evaluated and has been found to be consistent with the requirements of the Utah Air Quality Rules (UAQR) and the Utah Air Conservation Act. Air pollution producing sources and/or their air control facilities may not be constructed, installed, established, or modified prior to the issuance of an Approval Order (AO) by the Executive Secretary of the Utah Air Quality Board.

A NOI to issue an AO will be published in the Sun Advocate on September 18, 1997. A 30-day period following the publishing date will be allowed during which the proposal and evaluation of its impact on air quality will be available for both you and the public to review and comment. If anyone so requests within 15 days of publication of the notice, a hearing will be held. The hearing will be held as close as practicable to the location of the source. Any comments received during the 30-day period and the hearing, if held, will be evaluated.

Please review the proposed AO conditions during this period and make any comments you may have before its closure. The proposed conditions of the AO may be changed as a result of the comments received. Unless changed, the AO will be based upon the following conditions:

**General Conditions:**

1. This AO applies to the following company:

**Facility Location**

Covol technologies, Inc.  
Wellington Coal Tailings Preparation Plant  
Wellington, Utah

**Corporate Office Location**

Covol Technologies  
3280 North Frontage Rd.  
Lehi, Utah 84043  
(801) 768-4481  
(801) 768-4483

The equipment listed below in this AO shall be operated at the following location:

**PLANT LOCATION:**

Take Highway 6 East from Wellington and travel two miles. Turn right and follow the road one mile to the tailings impoundment  
SE 1/4 Section 9 T15S R11E

Universal Transverse Mercator (UTM) Coordinate System:  
4,375 kilometers Northing; 527 kilometers Easting; Zone 12

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2. Definitions of terms, abbreviations, and references used in this AO conform to those used in the Utah Administrative Code Rule 307 (UAC R307), and Series 40 of the Code of Federal Regulations (40 CFR). These definitions take precedence unless specifically defined otherwise herein.
3. Covol technologies, Inc., owner/operator shall install and operate the Wellington Coal Tailings Preparation Plant according to the terms and conditions of this AO as requested in the NOI dated July 16, 1996, and additional information submitted to the Executive Secretary dated July 30, 1997.
4. A copy of this AO shall be posted on site. The AO shall be available to the employees who operate the air emission producing equipment. These employees shall receive proper instruction as to their responsibilities in operating the equipment according to all of the relevant conditions listed below.
5. The approved installations shall consist of the following equipment or equivalent\*:
  - A. Haul trucks
  - B. Front end loaders
  - C. Conveyors
  - D. Screens
  - E. Other additional equipment which does not generate emissions

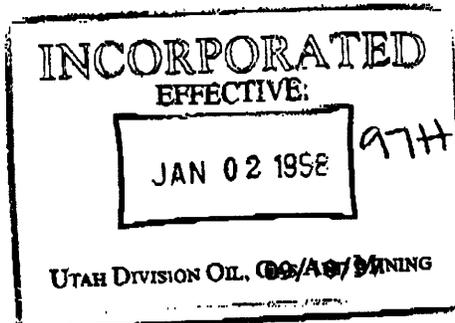
\* Equivalency shall be determined by the Executive Secretary.

Any future changes or modifications to the equipment and processes approved by this AO that could affect the emissions covered by this AO must be approved in accordance with R307-1-3.1.1, UAC.

6. The Executive Secretary shall be notified in writing upon start-up of the installation, as an initial compliance inspection is required. Eighteen months from the date of this AO the Executive Secretary shall be notified in writing of the status of construction and installation if construction or installation is not completed. At that time the Executive Secretary shall require documentation of the continuous construction and installation of the operation and may revoke the AO in accordance with R307-1-3.1.5, UAC. If construction is complete and operation has commenced a notice is not required on the status of the construction or installation.

#### Limitations and Tests Procedures

7. Visible emissions from the following emission points shall not exceed the following values:
  - A. All screens - 10% opacity
  - B. All conveyor transfer points - 10% opacity
  - C. All diesel engines - 20% opacity
  - D. Conveyor drop points - 20% opacity
  - E. All other points - 20% opacity



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Opacity observations of emissions from stationary sources shall be conducted according to 40 CFR 60, Appendix A, Method 9. Visible emissions from mobile sources and intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15-second intervals over a six-minute period shall not apply. Any time interval with no visible emissions shall not be included.

8. The following production limits shall not be exceeded without prior approval in accordance with R307-1-3.1, UAC:

- A. 1,000,000 tons per rolling 12-month period
- B. 8,760 hours per rolling 12-month period

Compliance with the annual limitations shall be determined on a rolling 12-month total. The owner/operator shall calculate a new 12-month total based on the twentieth day of each month using data from the previous 12 months. Records of consumption/production shall be kept for all periods when the plant is in operation. Records of consumption/production, including rolling 12-month totals, shall be made available to the Executive Secretary or Executive Secretary's representative upon request and shall include a period of two years ending with the date of the request. Covol Technologies will maintain a scale at the end of the production conveyor. This scale will be used to determine the weight of daily production. The records shall be kept on a daily basis. Hours of operation shall be determined by supervisor monitoring and maintaining of an operations log.

**Roads and Fugitive Dust**

9. All unpaved roads and other unpaved operational areas that are used by mobile equipment shall be water sprayed and/or chemically treated to control fugitive dust. Treatment shall be of sufficient frequency and quantity to maintain the surface material in a damp/moist condition or unless the ambient temperature is below freezing. The opacity shall not exceed 20% during all times the areas are in use. If chemical treatment is to be used, the plan must be approved by the Executive Secretary. Records of water and/or chemical treatment shall be kept for all periods when the plant is in operation. The records shall include the following items:

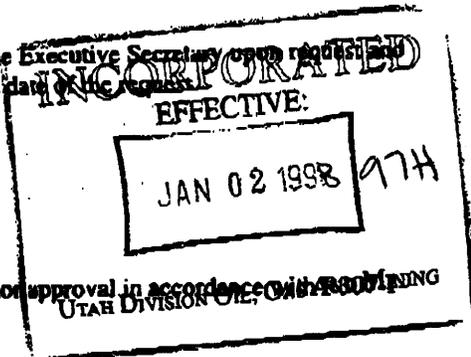
- A. Date
- B. Number of treatments made, dilution ratio, and quantity
- C. Rainfall received
- D. Time of day treatments were made

Records of treatment shall be made available to the Executive Secretary upon request and shall include a period of two years ending with the date of the request.

10. The haul road limitations shall be:

- A. 100 feet in length
- B. 10 miles per hour

These limitations shall not be exceeded without prior approval in accordance with R307-1-3.1, UAC. The haul road speed shall be posted.



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11. Control of disturbed or stripped areas operated by Covol technologies is required at all times (24 hours per day every day) for the duration of the project/operation until the area is reclaimed. Records of treatment and/or reclamation shall be kept for all periods when the plant is in operation.
12. Visible fugitive dust emissions from haul-road traffic and mobile equipment in operational areas shall not exceed 20% opacity. Visible emissions determinations for traffic sources shall use procedures similar to Method 9. The normal requirement for observations to be made at 15-second intervals over a six-minute period, however, shall not apply. Six points, distributed along the length of the haul road or in the operational area, shall be chosen by the Executive Secretary or the Executive Secretary's representative. An opacity reading shall be made at each point when a vehicle passes the selected points. Opacity readings shall be made one-half the vehicle length or greater behind the vehicle and at approximately one-half the height of the vehicle or greater. The accumulated six readings shall be averaged for the compliance value.
13. The moisture content of the material shall be maintained at a minimum of 4.0% by weight. The moisture content shall be tested if directed by the Executive Secretary using the appropriate American Society of Testing and Methods (ASTM) method and records kept on site.
14. The storage piles shall be watered to minimize generation of fugitive dusts as dry conditions warrant or as determined necessary by the Executive Secretary. Records of water and/or chemical treatment shall be kept for all periods when the plant is in operation.

**Fuels**

15. The sulfur content of any fuel oil or diesel burned shall not exceed 0.5 percent by weight. Sulfur content shall be decided by ASTM Method D-4294-89, or approved equivalent. The sulfur content shall be tested if directed by the Executive Secretary and the records shall be kept on site.

**Federal Limitations and Requirements**

16. In addition to the requirements of this AO, Covol Technologies must comply with applicable provisions of 40 CFR 60, New Source Performance Standards (NSPS)<sup>1</sup> Subparts A and Y, Standards of Performance for Coal Preparation Plants. A copy of the latest 40 CFR 60 Subparts A (section 60.8) and Y, dated July 1, 1996, is attached to this document as Appendix ZZ. However, to be in compliance, this facility must operate in accordance with the most current version of 40 CFR 60 applicable to this source.
17. For sources that are subject to NSPS (provided there is an opacity standard in the applicable NSPS), visible emission observations that are performed during the initial compliance inspection shall consist of 30 observations of six minutes each (this may be reduced to 10 observations under certain conditions) in accordance with 40 CFR 60.11(b) and 40 CFR 60, Appendix A, Method 9. It is the responsibility of the owner/operator of the source to supply

<sup>1</sup> NSPS = New Source Performance Standards.

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these observations to the Executive Secretary. A currently certified observer must be used for these observations. Emission points that are subject to the initial observations are:

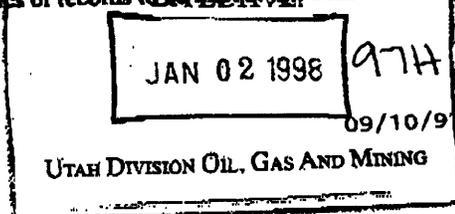
- A. All crushers
- B. All screens
- C. All conveyor transfer points

#### Records & Miscellaneous

18. In addition to the requirements of this AO, all applicable requirements of UAC R307 apply to this source.

The full text of UAC R307 is included as Appendix ZZZ. However, to be in compliance, this facility must operate in accordance with the most current version of R307 or the applicable section(s), if renumbered.

19. All installations and facilities authorized by this AO shall be adequately and properly maintained. Maintenance records shall be maintained while the plant is in operation. All pollution control vendor recommended equipment shall be installed, maintained, and operated. Instructions from the vendor or established maintenance practices that maximize pollution control shall be used. All necessary equipment control and operating devices, such as pressure gauges, amp meters, volt meters, flow rate indicators, temperature gauges, CEMS, etc., shall be installed and operated properly and easily accessible to compliance inspectors. A copy of all manufacturers' operating instructions for pollution control equipment and pollution emitting equipment shall be kept on site. These instructions shall be available to all employees who operate the equipment and shall be made available to compliance inspectors upon their request.
20. The owner/operator shall comply with R307-1-4.7, UAC. This rule addresses unavoidable breakdown reporting requirements. Any breakdown lasting longer than two hours shall be reported to the Executive Secretary within three hours of the breakdown if reasonable, but in no case longer than 18 hours after the beginning of the breakdown. During times other than normal office hours, breakdowns for any period longer than two hours shall be initially reported to the Environmental Health Emergency Response Coordinator. Within seven calendar days of the beginning of any breakdown lasting longer than two hours, a written report shall be submitted to the Executive Secretary. The owner/operator shall calculate/estimate the excess emissions (amount above AO limits) whenever a breakdown occurs. The total of excess emissions per calendar year shall be reported to the Executive Secretary with the inventory submittal, as directed by the Executive Secretary.
21. All records referenced in this AO or in applicable NSPS, which are required to be kept by the owner/operator, shall be made available to the Executive Secretary or Executive Secretary's representative upon request and shall include a period of two years ending with the date of the request. All records shall be kept for a period of two years. A summary of those records that are required as part of this AO is included herein. ~~This summary shall not be considered to be an additional requirement, but shall be considered as an informational source only.~~ The condition that requires that these records to be kept as part of the compliance with this AO is listed following the individual record. Examples of records to be kept by the source shall include the following as applicable:



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Production rate (Condition number 8)  
 Maintenance records (Condition number 19)  
 Upset, breakdown episodes (Condition number 20)  
 Fugitive emission control (Condition number 9,12,14)

22. Any future modifications to the equipment approved by this order must also be approved in accordance with R307-1-3.1.1, UAC.

The Executive Secretary shall be notified in writing if the company is sold or changes its name. The notification shall be submitted within 30 days of such action.

This AO in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including the Utah Air Conservation Rules.

23. Annual emissions for this source are currently calculated at the following values:

Pollutant	Tons/yr
A. TSP .....	6.91
B. PM <sub>10</sub> .....	3.74
C. SO <sub>2</sub> .....	1.53
D. NO <sub>x</sub> .....	16.46
E. CO .....	6.67
F. VOC .....	2.45

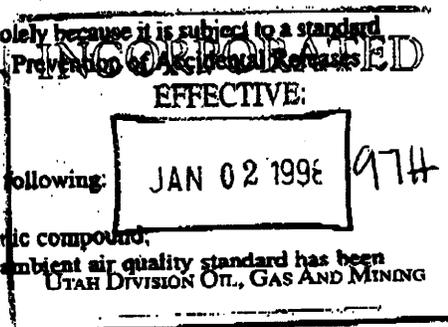
These calculated emission rates serve to determine the applicability of Prevention of Significant Deterioration, nonattainment area, and Title V source requirements of the UAC R307. They are not intended for determining compliance.

24. In accordance with the requirements of Title V of the 1990 Clean Air Act, actual emissions of regulated pollutants may be subject to operating permit fee except for the following:

- A. CO
- B. Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection
- C. Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases
- D. Tail pipe emissions

Regulated air pollutant in R307-15 means any of the following:

- (1) Nitrogen oxides or any volatile organic compound;
- (2) Any pollutant for which a national ambient air quality standard has been promulgated;



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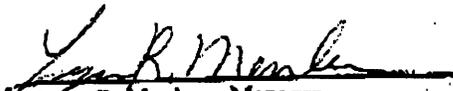
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;
- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;
- (5) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:
  - (i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;
  - (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

Emissions of the following pollutants from all sources, including pre-November 29, 1969 sources, may be subject to the operating permit fee. Both the fees rate and the class of pollutants are subject to change by State, the federal agencies, or both. If the actual emissions are not known, then the operating permit fee will be base on the following amounts:

	<u>Pollutant</u>	<u>Tons/yr</u>
A.	PM <sub>10</sub> .....	3.74
B.	SO <sub>2</sub> .....	1.53
C.	NO <sub>x</sub> .....	16.46
D.	VOC .....	2.45
E.	HAP .....	0.00

The Division of Air Quality is authorized to charge a fee for reimbursement of the actual costs incurred in the issuance of an AO. Unless public comments are received which require additional work, the fee for this AO will be \$2,940.00. An invoice will follow. You may pay this fee prior to the end of the comment period. If there are comments or additional fees, you will be notified.

Sincerely,

  
 Lynn R. Menlove, Manager  
 New Source Review Section

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**Covol Technologies Incorporated  
Coal Tailing Preparation Plant**

Filing Fee (includes the first 0.0 Hours @ \$50/hr) .....	\$	0.00
Plus (expenses incurred by the Division above the amount of the filing fee):		
Engineering Review (Complete NOI post-July 1, '95)		
49.0 additional hours @ \$60.0/hr .....	\$	2,940.00
Notice To Paper (included) .....	\$	0.00
Travel 0.0 miles @ \$0.28/mile .....	\$	0.00
<hr/>		
Total Charges .....	\$	2,940.00
Amount Paid to Date .....	\$	0.00
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Balance Due .....	\$	2,940.00

**Please remit a copy of this invoice with your payment.**

**Please send payment to:**

Utah Division of Air Quality  
150 North 1950 West  
Salt Lake City, Utah 84114-8420  
(801) 536-4000  
(801) 536-4099 (FAX)

