0006

U. S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program

RECEIVED
MAR 04 2005
DIV. OF OIL, GAS & MINING

C/007/012

1. Permittee/Person	NEVADA ELECTRIC INVESTMENT CO.	9. Permit Number	UT-007-012
2. Address	330 E 400 S STE 6 PO BOX337	10. Permit Type	PP
3. City	Springville	11. Field Visit Date (mm-dd-yyyy)	02/23/2005
4. State	UT	12. Purpose	O
5. Zip Code	84663	13. SRA Present	Y
6. Phone Number	(702) 367-5626	14. Permit Status	A
7. Operator Name, if Different than Permittee		15. Site Status	NM
8. Mine Name	WELLINGTON PREP PLAN	16. Facility Type	CDEG
		17. OSM Office #	140
		18. CCID #	
		19. Land Code	S
		20. M.S.H.A ID #	42-00099
		21. State Abrev.	UT
		22. County Name	CARBON
		23. AVS Permittee Entity ID Number	
		24. State Office	

25. Hours

4.0	a. Permit Review
8.0	b. Site Visit Time
10.0	c. Travel Time
2.0	d. Report Writing

26. Signature Block

Signature: 3/1/05

HENRY AUSTIN ID # 116

Printed Name:

Date: 03/01/2005

27. Reviewing Official:

James Fulton

Signature:

Review Date: 3/9/05 (mm-dd-yyyy)

Is Supplemental MSE Page Used Y/N: Y

Permit Type — Item 10 IP = Interim Program, PP = Permanent Program , NP = No Permit

Purpose Type Codes Item 12

Oxx.... Oversight
Axx.... Assistance
RFx.... Reclamation Fees
Fxx..... Federal Actions
CCR.... Citizen Complaint Referral (non site visit)
CC..... Citizen Complaint (initial site visit)
CCF.... Citizen Complaint Follow-up

Joint Inspection — Item 13 A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

Permit Status — Item 14

A.... Active: Coal mining and reclamation activities occurring or permitted but not yet disturbed.
IN.... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.
BR... Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)
AB.... Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g)
AB1.. Bond Forfeiture: Bond forfeiture officially in process or completed, and. reclamation in progress or not yet commenced.
AB2.. Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
AB3.. Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA....Not Applicable: When site is unpermitted.

Site Status Codes — Item 15

ND... No Disturbance: No coal mining and reclamation operations have been started.
EX.. Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP.. Active Coal Producing: Coal surface mining activities are occurring.
AN.. Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM.. No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.
MC.. Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.
TC.. Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/ 817.131(b).
P1... Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2.. Phase II Release: At least Phase II bond release for the entire permitted area.
P3.. Phase III Release: Reclamation completed and the RA has released all bond.
NS.. Non-Site Visit: Status of site not determined.
FP.. Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR.. Forfeited and Reclaimed: Forfeiture reclamation completed.
FO.. Abandoned Site: Abandoned site that is permitted but there is no bond.
WC.. Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes — Item 16

A... Surface
B... Underground
C... Preparation Plant
D... Ancillary (Haulroad, Conveyor, and/or Rails)
E... Refuse and/or Impoundment
F... Loading Facility and/or Tipple
G... Stockpiles
H... Exploration Permits
I... Notice of Intent to Explore
J... Exempt 16 and 2/3
K... Government Financed Construction Exemption
L... Remining site permitted under 30 CFR785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)
Your Comments Are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

U. S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING

Mine Site Evaluation

State Program Continuation Page

Permittee/Person: NEVADA ELECTRIC | Permit Number: UT-007-012 | Field Visit Date: 02/23/2005

28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

A. Administrative
1. 1 Mining within Valid Permit
2. 1 Mining within Bonded Area
3. 1 Terms & Conditions of Permit
4. 1 Liability Insurance
5. 1 Ownership and Control
6. 1 Temporary Cessation
7. 1 AML Rec. Fees -- Non-Respondent
8. 1 AML Rec. Fees -- Failure to Pay

B. Hydrologic Balance
1. 1 Drainage Control
2. 1 Inspections & Certifications
3. 1 Siltation Structures
4. 1 Discharge Structures
5. 1 Diversions
6. 1 Effluent Limits
7. 1 Ground Water Monitoring
8. 1 Surface Water Monitoring
9. 3 Drainage -- Acid-Toxic Materials
10. 1 Impoundments
11. 1 Stream Buffer Zones

C. Topsoil & Subsoil
1. 1 Removal
2. 1 Substitute Materials
3. 1 Storage and Protection
4. 1 Redistribution

D. Backfilling & Grading
1. 1 Exposed Openings
2. 1 Contemporaneous Reclamation
3. 1 Approximate Original Contour
4. 3 Highwall Elimination
5. 3 Steep Slopes (includes downslope)
6. 3 Handling of Acid & Toxic Materials
7. 1 Stabilization (rills and gullies)

E. Excess Spoil Disposal
1. 3 Placement
2. 3 Drainage Control
3. 3 Surface Stabilization
4. 3 Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)
1. 1 Drainage Control
2. 1 Surface Stabilization
3. 1 Placement
4. 1 Inspections and Certifications
5. 1 Impounding Structures

G. Use Of Explosives
1. 3 Blaster Certification
2. 3 Distance Prohibitions
3. 3 Blast Survey/Schedule
4. 3 Warnings & Records
5. 3 Control of Adverse Effects

H. 3 Subsidence Control Plan

I. Roads
1. 1 Road Construction
2. 1 Certification
3. 1 Drainage
4. 1 Surfacing and Maintenance
5. 1 Reclamation

J. Signs & Markers
1. 1 Signs
2. 1 Markers

K. 1 Distance Prohibitions

L. Revegetation
1. 1 Vegetative Cover
2. 1 Timing

M. 1 Postmining Land Use

N. Other

General Performance Catagory		
___	___	1)_____
___	___	2)_____
___	___	3)_____

Performance Standard Catagories 30 CFR Counterpart

A. Administrative.....
1. Valid Permit.....773.11
2. Mining within Bonded Area.....773.11
3. Terms & Conditions of Permit.....773.17
4. Liability Insurance.....800.60
5. Ownership and Control.....778.13
6. Temporary Cessation.....842.11(e) & 816/817.131
7. AML Rec. Fees -- Non-Respondant.....870.15(b)
8. AML Rec. Fees -- Failure to Pay.....870.15(a)

B. Hydrologic Balance.....(816/817.41-57)
1. Drainage Control.....45
2. Inspections & Certifications.....49(a)(10)
3. Siltation Structures.....46
4. Discharge Structures.....47
5. Diversions.....43
6. Effluent Limits.....42
7. Ground Water Monitoring.....41(c)
8. Surface Water Monitoring.....41(e)
9. Drainage--Acid - Toxic Materials.....41(f)
10. Impoundments.....49
11. Stream Buffer Zones.....57

C. Topsoil & Subsoil.....(816/817.22)
1. Removal.....22(a)
2. Substitute Materials.....22(c)
3. Storage and Protection.....22(c)
4. Redistribution.....22(d)

D. Backfilling & Grading.....(816/817.95-107)
1. Exposed Openings.....816/817.13, 14, 15, & 823.11 & 21
2. Contemporaneous Reclamation.....100
3. Approximate Original Contour.....102(a)(1)
4. Highwall Elimination.....102(a)(2)
5. Steep Slopes (includes downslope).....107
6. Handling of Acid & Toxic Materials.....102(c)
7. Stabilization (rills and gullies).....95(b)

E. Excess Spoil Disposal.....(816/817.71-74)
1. Placement.....71(e)
2. Drainage Control.....71(f)
3. Surface Stabilization.....71(g)
4. Inspections & Certifications.....71(h)

F. Coal Mine Waste (Refuse Piles/Impoundments).....(816/817.81-84)
1. Drainage Control.....83(a)
2. Surface Stabilization.....83(b)
3. Placement.....83(c)
4. Inspections and Certifications.....83(d)
5. Impounding Structures.....84

G. Use of Explosives.....(816/817.61-68)
1. Blaster Certification.....61(c)
2. Distance Prohibitions.....61(d)
3. Blast Survey/Schedule.....62-64
4. Warnings & Records.....66 & 68
5. Control of Adverse Effects.....67

H. Subsidence Control Plan.....(817.121-122)

I. Roads.....(816/817.150-151)
1. Road Construction.....150(c)
2. Certification.....151(a)
3. Drainage.....150(b)-151(d)
4. Surfacing and Maintenance.....150(e)-151(d)
5. Reclamation.....150(f)

J. Signs & Markers.....(816/817.11)
1. Signs.....11(a),(b),&(c)
2. Markers.....11(a),(b),(d),(e),&(f)

K. Distance Prohibitions.....(761.11)

L. Revegetation.....(816/817.111-116)
1. Vegetative Cover.....111 & 116
2. Timing.....113

M. Postmining Land Use.....(816/817.133)

February 24, 2005

Nevada Electric Investment Co.
C/O Mt. Nebo Scientific
330 E 400 S, STE 6
PO Box 337
Springville, UT 84663

Wellington Preparation Plant, OGM Permit C/007/012
Complete, oversight inspection
February 23, 2005

Participants:
Priscilla Burton, Utah Division of Oil, Gas and Mining (OGM)
Patrick Collins, PhD, Mt. Nebo Scientific
Henry Austin, Office of Surface Mining (OSM)

I participated in the above joint, complete, oversight inspection. This mine was selected for inspection during the 2005 evaluation year by the OGM-OSM Evaluation Team. The primary purpose of the inspection was to evaluate offsite impacts. No offsite impacts were identified as a result of the inspection. Weather conditions were overcast with localized showers the past week, and ground conditions were near completely saturated on and off the permit area. Inspection participants reported historic or near historic water levels in some of the sediment ponds and impoundments on the permit area; consistent with the unusually heavy precipitation patterns in both southern California and southern Utah the past 2 months.

Prior to the inspection I conducted a records review in the OSM, Denver, CO, office including the 12/10/04 OGM, Wellington Prep. Plant permit renewal (only one condition on the permit renewal requiring electronic submittal of water monitoring data, this condition is being satisfied by the permittee), recent OGM inspection reports for this site, and the most recent OSM oversight inspection conducted here in 1999 by Henry Austin.

Mrs. Burton oriented inspection participants in the OGM Price, UT, Field Office prior to the inspection with a review of the approved OGM permit, and maps / exhibits necessary to plan and focus our inspection activity. We reviewed the liability insurance that expires 2/9/2006; and discussed the February 2002 Utah Department of Air Quality investigation of coal fines blowing off the permit area.

We began the inspection on the permit area disturbance east of the Price River, at the former COVAL Technologies, Inc. processing plant area. The coal fines recovery process operated by COVAL on this portion of the permit area, that was active during 1999, has been terminated and essentially all facilities operated by COVAL have been removed. The northwest facing slope adjacent to the former COVAL processing area was reclaimed fall 2004. This slope blends well into the surrounding undisturbed areas and has been topsoiled / dozer tracked. This slope will be seeded and mulched during the spring 2005 seeding season.

We did not check topsoil replacement depth. A small power transformer remains on this area and needs to be removed.

We walked the disturbed areas from here as it was too saturated to drive safely. We made stops and observations at the following: the embankment between the upper and lower refuse ponds, and the coarse refuse pile (Pond refuse pile) adjacent to the upper refuse pond. (This refuse pile was partially regraded during spring 2004 and a surfactant applied to reduce wind erosion. The surfactant was also applied during 2002 to all the disturbed areas covered with coal or coal slurry, refuse, lay down areas at the load out facility, former coal stockpile areas, etc., according to inspection participants.) We continued to the following: north embankment of the upper refuse pond along the Siaperas irrigation ditch which appeared stable, inactive wind monitoring location, abandoned truck without license plates stuck in the mud north of the Siaperas ditch on NEICO property (GPS coordinates: N 39 32 142 W 110 41 268), ground water (GW) monitoring wells 15A & 15B (we replaced the covers on these wells), GW-3 monitoring well, and we walked almost to the west end of the Siaperas ditch.

We drove and then walked down the road below the clearwater pond embankment (we did not walk the top of the embankment) and made observations of the concrete culvert under the road (this culvert is aligned with the outlet end of the clearwater pond emergency spillway culvert), and the former pump house on the Price River. The pump house has been removed and the area reclaimed during fall 2004. This area has been topsoiled but not seeded. This is ASCA No. 5 and the silt fence / straw bales installed here appear to be functioning at this time. The surface area is roughened, and will be seeded and mulched during the spring 2005 seeding season. Structures remaining in this area that will need to be addressed include the end of the water line from the clearwater pond and associated structures, ground water monitoring wells, and the concrete stilling dam across the Price River (we discussed contacting the appropriate state and federal agencies for their input and necessary approvals **before** conducting any work on the stilling dam).

We drove to the former preparation plant facilities and loadout area west of the Price River. During the 1999 OSM inspection noted above, plans were being made by ANDALEX-Genwall Coal Company, to permit a portion of the disturbed areas west of the Price River for use as a coal loading facility. These plans were never implemented and the property remains under NEICO ownership. We walked the disturbed areas here making stops and observations of the following: reclamation (revegetation success) test plot that contains the permanent seed mix applied on zero inches of topsoil cover and 3" of topsoil cover, ground water monitoring well GW-13 just south of the test plot, small spoil pile and the roadside pond, auxiliary pond and the former prep. plant pump house (approx. 3' of water standing in the depression east of the pump house and this water surface appeared to be at the bottom-sediment level of the auxiliary pond on the west side of the pump house structure. Backfilling status of the pump house was not determined due to water cover.)

The dryer pond was full of water up to the cmp culvert inlet on the inside of the pond embankment (inspection participants indicated they had never seen this water level in the dryer pond), and the plant pond also contained near historic water level and ground water monitoring well GW-9 adjacent to this pond which was inundated, the plant (coarse) refuse pile which appeared stable, and we observed the ground water monitoring well GW-8 east of the plant refuse pile. Diversion ditch UD-1A upslope from the plant refuse pile was full of water. The permittee has done a good job of removing all former bone yard equipment, steel, general plant site demolition debris, etc. There are 3-4 of the steel tower supports from the former slurry line and several slurry line steel pipes yet to be salvaged. We discussed removal of the concrete footers for the slurry line support structures. This concluded the field inspection.

Mrs. Burton completed our environmental monitoring records review at the close of the field inspection and we reviewed the following: 4th quarter 2004 & 2004 annual sediment pond and impoundment inspections and re-certifications were current, the plant refuse pile & pond refuse pile inspections & certifications were current, 4th quarter 2004 surface and ground water monitoring was completed as required, and reported electronically as required by permit condition, and the January 2005 UPDES-DMR's were completed and reported as required.

Mrs. Burton provided us with copies of her 1/27/2005 OGM inspection report for Wellington Prep. Plant that includes discussions of the proposed cover material to be recovered from the clearwater pond embankment, segregation of the surface 2 feet of the embankment outslope soil materials for use as substitute topsoil to help cover the slurry ponds, and approximate ground water elevation depths in the vicinity of the dike between the lower refuse (slurry) pond and the clearwater pond.

This concluded the inspection. Please refer any questions concerning this inspection report to Henry Austin, Senior Reclamation Specialist, at haustin@osmre.gov or to (303) 844-1400 x1466.