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Incoming C0070012 ok

From: Steve Alder
To: Keli Beard; Mary Ann Wright
Date: 12/26/2006 10:53:02 AM
Subject: Fwd: Wellington Permit Application Outline

>>> "Craig Galli" <CGalli@hollandhart.com> 12/22/2006 2:52 pm >>>
Steve: Please find attached Covol's permit application outline for review by your clients.
Best wishes for the holiday, Craig

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PROPOSED OUTLINE AND INFORMATION:
COVOL WELLINGTON DRY-COAL CLEANING FACILITY
DOGM PERMIT APPLICATION PACKAGE

Section Number and Title	Planned Approach	Anticipated Response
CHAPTER 1 – GENERAL CONTENTS		
110 MINIMUM REQUIREMENTS FOR LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION	Gather information from company files and public records.	Required information will be presented in text, tables, maps, etc.
111 Introduction		
112 Identification of Interests		
112.100 Business Entity		
112.200 Applicant and Operator		
112.300 Officers of the Applicant		
112.400 Coal Mining and Reclamation Operation Owned or Controlled		
112.500 Legal or Equitable Owner of the Surface and Mineral Properties		
112.600 Owners of Record of Property Contiguous to Proposed Permit Area		
112.700 MSHA Numbers		
112.800 Interest in Contiguous Lands		
112.900 Certification of Submitted Information		
113 Violation Information		
114 Right-of-Entry Information		
115 Status of Unsuitability Claims		
116 Permit Term		
117 Insurance, Proof of Publication, and Facilities and Structures Used in Common		
118 Filing Fee		

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120 PERMIT APPLICATION FORMAT AND CONTENTS	Generally follow the outline of the DOGM rules.	Format the document as indicated.
130 REPORTING OF TECHNICAL DATA	Comply with the appropriate rules.	A brief statement will be made committing to complying with the appropriate rules.
140 MAPS AND PLANS		
150 COMPLETENESS		
CHAPTER 2 – SOILS		
210 INTRODUCTION	Gather published information developed by the U.S. Natural Resources Conservation Service.	Pre-disturbance soil resources were very limited in extent and quality. Summarize pre-disturbance soil resources within the permit-area boundary based on information published by the NRCS.
220 ENVIRONMENTAL DESCRIPTION		
221 Prime Farmland Investigation		
222 Soil Survey		
223 Soil Characterization		
224 Substitute Topsoil		
230 OPERATION PLAN	Gather data from NRCS records and the Savage Coal Terminal MRP.	Briefly describe methods that have been used to segregate and protect topsoil and subsoil. Summarize soil quality based on data obtained from published NRCS documents and the adjacent Savage Coal Terminal.
231 General Requirements		
232 Topsoil and Subsoil Removal		
233 Topsoil Substitutes and Supplements		
234 Topsoil Storage		
240 RECLAMATION PLAN	Develop a post-operation land-use plan (currently zoned as industrial). Site regrading following operations will be consistent with the planned post-operation land use.	Under an industrial post-operation land use scenario, it is not anticipated that the site will undergo significant redistribution of soil resources. Soil salvaged to date will likely remain in protected stockpiles for use by the future site owner/operator.
241 General Requirements		
242 Soil Redistribution		
243 Soil Nutrients and Amendments		
244 Soil Stabilization		
250 PERFORMANCE STANDARDS	Commit to handling soil resources consistent with the post-operation land use.	Salvaged soil will be protected from erosion and made available to the future site owner/ operator.
251 Topsoil, Subsoil, and Topsoil Supplements Management		
252 Stockpiled Topsoil and Subsoil		
CHAPTER 3 – BIOLOGY		
310 INTRODUCTION	Gather information from the Utah Division of Wildlife Resources and the permit application package for the adjacent Savage Coal Terminal site.	Only limited biological resources existed on the site prior to disturbance. Briefly summarize pre-disturbance vegetation and wildlife information applicable to the permit area, as obtained from existing sources.
320 ENVIRONMENTAL DESCRIPTION		
321 Vegetation Information		
322 Fish and Wildlife Information		

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323 Maps and Aerial Photographs	Describe methods that have been and will continue to be used to protect biological resources during site operations.	The permit area is fenced, substantially reducing the potential that wildlife will be present near and impacted by the operation. It is not anticipated that threatened or endangered species occur in the permit or adjacent areas. As a fenced industrial area of limited size, measures have been taken to keep wildlife out and avoid the industrial hazards that might endanger such species further.
330 OPERATION PLAN		
331 Measures Taken to Disturb the Smallest Practicable Area		
332 Description of Anticipated Impact of Subsidence		
333 Plan to Minimize Disturbances and Adverse Impacts		
340 RECLAMATION PLAN	Any post-operation plan must be consistent with the post-operation land use.	As a zoned industrial site, the post-operation land use will also be industrial. Significant revegetation is, therefore, not anticipated. The site will be left in a condition appropriate for industrial land use by the new owner/operator.
341 Revegetation		
342 Fish and Wildlife		
350 PERFORMANCE STANDARDS		
351 General Requirements		
352 Contemporaneous Reclamation		
353 Revegetation: General Requirements		
354 Revegetation: Timing		
355 Revegetation: Mulching and Other Soil Stabilizing Practices		
356 Revegetation: Standards for Success		
357 Revegetation: Extended Responsibility Period		
358 Protection of Fish, Wildlife and Related Environmental Values		
CHAPTER 4 – LAND USE AND AIR QUALITY		
410 LAND USE	Gather information from the County concerning pre-construction land use at the site. Gather information regarding cultural and historical resources in the permit area from the State Historical Preservation Office.	Land use in the permit and adjacent areas has been zoned industrial for several years. No cultural or historical resources are known to exist in the permit or adjacent areas. The area will be left in a state consistent with post-operation industrial land use.
411 Environmental Description		
412 Reclamation Plan		
413 Performance Standards		
414 Alternative Land Use		

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420 AIR QUALITY	Review operational permits obtained from the Utah Division of Air Quality.	Commit to complying with the UDAQ operational permits, a copy of which will be provided in an appendix.
421 Air Quality Standards		
422 Compliance Efforts		
423 Monitoring Program		
424 Fugitive Control Plan for Production Rates Less than One Million Tons Per Year		
425 Additional Division Requirements		
CHAPTER 5 – ENGINEERING		
510 INTRODUCTION	Gather maps, plans, and designs as needed to provide an overview of operations at the site.	Present information as needed to provide an overview of operations at the site. MSHA regulations are not currently considered applicable to site operations. Commit to the performance of appropriate inspections by a professional engineer or appropriate specialist. Summarize existing COVOL emergency response procedures.
511 General Requirements		
512 Certification		
513 Compliance with MSHA Regulations and MSHA Approvals		
514 Inspections		
515 Reporting and Emergency Procedures		
520 OPERATION PLAN	Gather information regarding operation plans as needed to provide a description of applicable facilities.	Since mining is not conducted at this site, several sections of these regulations do not apply to this permit application. Roads within the facility area will be classified and methods for handling and disposing of coal, spoil, and waste will be described. Impoundments that have been constructed on site (i.e., sedimentation and detention basins) will also be described. Information will be presented as appropriate in text and drawings.
521 General		
522 Coal Recovery		
523 Mining Methods		
524 Blasting and Explosives		
525 Subsidence		
526 Mine Facilities		
527 Transportation Facilities		
528 Handling and Disposal of Coal, Excess Spoil, and Coal Mine Waste		
529 Management of Mine Openings		
530 OPERATIONAL DESIGN CRITERIA AND PLANS		
531 General		
532 Sediment Control		

Section Number and Title	Planned Approach	Anticipated Response
533 Impoundments		
534 Roads		
535 Spoil		
536 Coal Mine Waste		
537 Regraded Slopes		
540 RECLAMATION PLAN	Gather information regarding the anticipated post-operation land use. Commit to complying with the applicable regulatory standards.	Since the site will not be operated as a conventional mine, several sections of this regulation do not apply. Narrative, maps, and drawings will be used as needed to present applicable information in a logical manner. The removal of structures necessary to meet post-operation land use requirements will be discussed. The estimated costs of reclaiming the site consistent with the post-operation land use will be referenced (presented in Chapter 8 of this application). The intent of the reclamation plan is to remove coal piles and substantial coal residue, other than that associated with roads and parking areas, to the soil level and regrade to a contour that is consistent with the post-operational land use.
541 General		
542 Narratives, Maps, and Plans		
550 RECLAMATION DESIGN CRITERIA AND PLANS		
551 Casing and Sealing of Underground Openings		
552 Permanent Features		
553 Backfilling and Grading		
560 PERFORMANCE STANDARDS		
CHAPTER 6 - GEOLOGY		
610 INTRODUCTION	Gather information regarding general geologic conditions within the permit area, using published documents obtained from the U.S. Geological Survey, the Utah Geologic Survey, and other reputable sources.	Since no coal is being mined and no exploration activities are being conducted in the permit area, most of this section of the regulations does not apply. However, a very brief description of geologic conditions at the site will be provided to address this section of the regulations.
611 General Requirements		
612 Certification		
620 ENVIRONMENTAL DESCRIPTION		
621 General Requirements		
622 Cross Sections, Maps and Plans		
623 Geologic Determinations		
624 Geologic Information		
625 Additional Geologic Information		
626 Sampling Waivers		
627 Description of the Overburden Thickness and Lithology		
630 OPERATION PLAN		

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631 Casing and Sealing of Exploration Holes		
632 Subsidence Monitoring		
640 PERFORMANCE STANDARDS		
641 Exploration and Drill Holes		
642 Monuments and Surface Markers of Subsidence Monitoring Points		
CHAPTER 7 - HYDROLOGY		
710 INTRODUCTION	Published information regarding surface and groundwater conditions in the vicinity of the permit area will be gathered from the U.S. Geological Survey, the Utah Geological Survey, the Utah Division of Water Rights, the water-quality database maintained by DOGM, etc.	The site is situated on a low-lying desert ridge on the relatively impermeable Mancos Shale. Hence, no substantial surface and groundwater resources exist in the vicinity of the permit area. Furthermore, the facility consumes only small quantities of water from the City distribution system, and structures have been installed to retain storm water on site in accordance with an existing storm-water pollution prevention plan. Given these conditions, it is anticipated that the discussion of baseline hydrologic conditions will be brief. The probable hydrologic consequences of operations to be conducted within the permit area will be discussed, but it is anticipated that these consequences will be insignificant. The location of the permit area with respect to a published CHIA will be noted.
711 General Requirements		
712 Certification		
713 Inspection		
720 ENVIRONMENTAL DESCRIPTION		
721 General Requirements		
722 Cross Sections and Maps		
723 Sampling and Analysis		
724 Baseline Information		
725 Baseline Cumulative Impact Area Information		
726 Modeling		
727 Alternative Water Source Information		
728 Probable Hydrologic Consequences		
729 Cumulative Hydrologic Impact Assessment (CHIA)		
730 OPERATION PLAN	Gather information regarding operational plans to protect hydrologic resources.	Describe how operations will be conducted to minimize impacts to local hydrologic resources. Present design information to indicate how runoff- and sediment-control structures comply with the regulations. Note that site operations are conducted under an approved storm-water pollution prevention
731 General Requirements		
732 Sediment Control Measures		
733 Improvements		
734 Discharge Structures		
735 Disposal of Excess Spoil		
736 Coal Mine Waste		

Section Number and Title	Planned Approach	Anticipated Response
737 Noncoal Mine Waste		plan. Present this information in text, maps, etc. as necessary. Make note of those sections of the regulations that do not apply to this operation.
738 Temporary Casing and Sealing of Wells		
740 DESIGN CRITERIA AND PLANS		
741 General Requirements		
742 Sediment Control Measures		
743 Impoundments		
744 Discharge Structures		
745 Disposal of Excess Spoil		
746 Coal Mine Waste		
747 Disposal of Noncoal Mine Waste		
748 Casing and Sealing of Wells		
750 PERFORMANCE STANDARDS		
751 Water Quality Standards and Effluent Limitations		
752 Sediment Control Measures		
753 Impoundments and Discharge Structures		
754 Disposal of Excess Spoil, Coal Mine Waste and Noncoal Mine Waste		
755 Casing and Sealing of Wells		
760 RECLAMATION	Gather information regarding the anticipated post-operation land use.	The site will be left in a condition appropriate for industrial land use by the new owner/ operator. Road drainage designs will be reviewed to ensure that they are compatible with long-term industrial use.
761 General Requirements		
762 Roads		
763 Siltation Structures		
764 Structure Removal		
765 Permanent Casing and Sealing of Wells		
CHAPTER 8- BONDING AND INSURANCE		
810 BONDING DEFINITIONS AND DIVISION RESPONSIBILITIES	Estimate the cost to leave the site in a condition that is consistent with the planned post-operation land use. Utilize unit-costs from acceptable sources.	Post-operation use of the site for industrial purposes will likely involve removal of the coal-processing structures, while leaving office, warehouse, and storage facilities,

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820 REQUIREMENT TO FILE A BOND		along with roads and parking lots. Provide an estimate of the reclamation costs and commit to maintaining an appropriate reclamation bond.
830 DETERMINATION OF BOND AMOUNT		
840 GENERAL TERMS AND CONDITIONS OF THE BOND		
850 BONDING REQUIREMENTS FOR UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES		
860 FORMS OF BONDS		
870 REPLACEMENT OF BONDS		
880 REQUIREMENTS TO RELEASE PERFORMAN CE BONDS		
890 TERMS AND CONDITIONS FOR LIABILITY INSURANCE		
CHAPTER 9 - ALLUVIAL VALLEY FLOOR DETERMINATION		
302-321.100 Scope of Investigation	Evaluate information to make an alluvial valley floor determination.	The site is not located within or near an alluvial valley floor.
302-321.200 Summary of Studies Performed		
320-321.300 Extent of Alluvial Valley Floors		