

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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April 26, 2007

TO: Internal File

FROM: James D. Smith, Environmental Scientist, Team Lead *DS 04/01/07*

RE: Midterm Review, NEICO, Wellington Prep Plant, C/007/0012, Task ID #2621

## SUMMARY:

The Wellington Prep Plant permit was renewed 12/10/04. In accordance with R645-303-211, the Division is required to review each active permit during its term, not later than the middle of the permit term (06/10/07 for the Wellington Prep Plant). The review is to cover pertinent elements that have been selected for review.

The Division notified the Permittee of the midterm review for the Wellington Prep Plant in a letter to the Resident Agent, Patrick Collins, dated August 29, 2006. Elements selected for review during the Midterm are outlined in that letter:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review to ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program, which have occurred subsequent to permit approval (One area of emphasis is to ensure compliance with the U. S. Fish and Wildlife Colorado River Endangered Fish Recovery Program.)
3. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the plan document.
4. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.

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6. A review of the mining and reclamation plan commitments for the subsidence control/monitoring plans and reporting requirements.
7. The Division may conduct a technical visit in conjunction with the assigned compliance inspector to document the status and effectiveness of the operational, reclamation, and contemporaneous reclamation practices.

This memo addresses items 4 and Special Conditions to the Permit, included in Item 3. Jerriann Ernstsens is addressing item 2, Priscilla Burton items 1 and 3, and Wayne Western item 5. Item 6 does not apply to this site. There was no on-site inspection by the team for this midterm because the site is inactive.

**TECHNICAL ANALYSIS:**

## **GENERAL CONTENTS**

### **VIOLATION INFORMATION**

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

**Analysis:**

OSM did an AVS check on April 11, 2007. The AVS retrieved no violations for NEICO.

**Findings:**

According to the AVS check, the Permittee and associated persons are not currently in violation of any law, rule, or regulation identified or referred to in the R645 Coal Rules.

## **OPERATION PLAN**

### **HYDROLOGIC INFORMATION**

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

**Analysis:**

## General

There is one stipulation attached to the Wellington Prep Plant Permit:

NEICO will submit water quality data for the Wellington Preparation Plant in an electronic format through the Electronic Data Input web site, <http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi>.

Except for the six parameters described in the flowing paragraph, the Permittee is complying with this stipulation.

In addition to the parameters listed in Tables 7.24-2 and 7.24-6, the Permittee monitors for benzene, toluene, ethylbenzene, xylene, and naphthalene (BTEXN) and propylene glycol at sites SW-4, SW-5, GW-4, and GW-6. Lab results have not been reported in the Division's electronic database but are kept on file with the resident agent (currently Patrick Collins at Mt. Nebo Scientific), an arrangement that apparently originated because these six parameters were not assigned identification numbers when the Division originally set up the database (Email from Karla Knopp, April 19, 2007).

These parameters are now assigned identification numbers in the database and the Permittee needs to start submitting analysis results for these parameters to the database.

Patrick Collins has proposed amending the MRP to remove these parameters from the monitoring plan. Past results have shown that, if these organic compounds are present at all, concentrations are below detection limits. Furthermore, now that the adjacent Covol Wash Plant (CWP) has been demolished, monitoring for these compounds no longer serves the intended purpose of monitoring water entering the Wellington Prep Plant site from the CWP.

## Sediment Control Measures

The MRP contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area (Section 731.100-731.122).

Six sedimentation ponds and seven ASCAs provide sediment control at the Wellington prep plant.

## Water Replacement

The current permit for the Wellington Prep Plant was renewed December 12, 2004. Utah Coal Mining Rule R645-301-731.530 for replacement of state-appropriated water supplies was

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approved by OSM in December 2001, and implemented in the state program in August 2002. This rule, along with R645-301-525.480, requires that the MRP have in-place a plan that can be implemented for prompt replacement of affected State-appropriated water supplies, in other words, an executable mitigation plan is to be in place before there is a problem.

The Permittee holds water rights to 10 cfs from the Price River. Section 7.27 contains a commitment that, if the Permittee's actions result in diminution, contamination, or interruption of a state-appropriated water supply, the Permittee will make water available from their water rights during the diminution or interruption.

The Permittee committed, in a lease agreement, to provide Covol Fuels (now Headwaters Energy Services) with up to 5 cfs for operation of the CWP. However, the CWP was removed from the site in 2004. Possible future mining activities could involve re-mining of waste, but this would have no potential for subsidence or interference with ground water.

There is currently no mining or reclamation activity at this site. The pumphouse that diverted water from the river was demolished after removal of the CWP. The Price River collection well supplied water for dust suppression as recently as 2005 and is still in place, but it has been temporarily capped with a large block of cement.

**Findings:**

Hydrologic Operation Information is sufficient to meet the requirements of the Coal Mining Rules.

**RECOMMENDATIONS:**

The Division should approve the midterm review.

However, the Permittee needs to start submitting analysis results for benzene, toluene, ethylbenzene, xylene, and naphthalene (BTEXN) and propylene glycol through the Division's Electronic Data Input web site. Alternatively, the Permittee might amend the MRP to remove these compounds from the monitoring plan.