

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

August 22, 2007

TO: Internal File

FROM: James D. Smith, Environmental Scientist, Team Lead *DS 11/08/07*

RE: NO6-37-1-1 Abatement Information for MRP, NEICO, Wellington Prep Plant, C/007/0012, Task ID #2818

SUMMARY:

From 1997 to 2003, COVOL Technologies leased a portion of the Wellington Prep Plant from NEICO in order to operate a wash plant that processed the fines in the Wellington slurry ponds. In 2004, COVOL dismantled and removed the wash plant and regraded the site to blend with the natural surrounding landscape. NEICO then had the area gouged, fertilized, and reseeded with the approved seed mixture.

COVOL used the NEICO pumphouse in the wash plant operations. After the wash plant was removed in 2004, a COVOL subcontractor also removed the pumphouse without permission from either NEICO or COVOL. The removal of the pumphouse left a potential safety hazard due to the open foundation and exposed below-grade support facilities. COVOL agreed to reclaim the remaining pumphouse structure to eliminate the safety problems. This work was accomplished in October 2004.

During the winter of 2005, water was observed entering the Dryer Pond on the west side of the Price River, near the old facilities area of the Wellington Prep Plant. Presumably, water could have been entering the Clear Water Pipeline used by US Steel Corporation, the first owner of the property (ca. 1957-58).

The Division wrote NOV N06-37-1-1 on June 6, 2006. The nature of the violation was:

1. Failure to operate Dryer pond in accordance with the approved plan. Dryer pond use operational use is described in the MRP Sec. 5.30 and shown on Plates F9-177 sheet 1 of 2, E93341, 712d, and 712e.

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2. Failure to adequately close or manage water well during the Price River Pumphouse reclamation which occurred during the fall of 2004. Reclamation of the Price River Pumphouse is described in Sec. 5.26 of the MRP. Closure of water wells is described in the MRP Sec. 5.42.2 item 2, page 5.40. Protection of water wells is described in the MRP Sec. 7.38, page 7.38. Location is shown on Plate E9-3341 and F9-177 Sheet 2 of 2. A schematic of the Pumphouse is shown on Plate E9-3430.

The required remedial action was:

- 1) Positively determine the source of the water creating a bog at the reclaimed Price River pumphouse site and the source of the water entering the Dryer pond.
- 2) Determine the flow rates in cubic feet per second and acre/ft/yr of the source of water creating the bog at the reclaimed Price River pumphouse site and the flow rate of the water entering the Dryer pond.
- 3) Based on items 1 & 2 above, establish the current usage of ground water and/or surface water and connect this usage to a water right.
- 4) Describe the management of the water flow to the Price River and to the Dryer pond including
 - a) protection of Price River groundwater well rights that are shown on Dwg G9-3507 and itemized in Table 7-24-I of the MRP as 97-371[91-371], 91-216, 91-215, 91-254, 91-255.
 - b) protection of the soil in the vicinity of the pumphouse.
 - c) protection of the Price River.
- 5) Describe the use of water in the Dryer Pond during operations.
- 6) Describe the reclamation of the Dryer Pond and stem the flow of water into the pond or describe the indefinite and continued use of the diverted flows during reclamation and for a post mining land use.
- 7) Update Map EO-3341 [E9-3341] to show the location of all existing structures such as the buried Clearwater pipeline.
- 8) Update Map 712e to show the location of the buried culvert.

Because of the water entering the Dryer Pond, the Division requested information related to both the Pumphouse area and the Dryer Pond for the Wellington MRP. The information to abate the violation was submitted to DOGM on August 7, 2006 and October 2, 2006. The Permittee then submitted the information as an amendment to the MRP. The Division received this proposed amendment October 20, 2006. This submittal includes the abatement information as a new Appendix M, with references to Appendix M added to other sections of the MRP.

TECHNICAL ANALYSIS:

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

The requested information is in Appendix M, a new amendment for the MRP. NEICO utilized JBR Environmental Consultants, Inc and Mt. Nebo Scientific to obtain the needed information, and copies of their reports are included in Appendix M.

Dwgs. E9-3341 and 712e have been modified to show the location of all existing structures, including the Clearwater pipeline (AA on E9-3341) and the buried culvert inlet at the Dryer Pond.

The Dryer Pond discussion on page 5 in Section 5.30 of the submittal still refers to Dwg. A9-1464 that was removed from the MRP in 2006 and replaced by Dwg. 712e, which is also referenced on page 5 (Task # 2427, approved March 9, 2006).

The Permittee needs to resolve discrepancies between the current and new versions of Table 742, and between that table and Dwg. T1-9597. In Table 742.0c in the current MRP, CVL-C2 is sourced by ditches CVL-D2 and D3, and CVL-C3 [with a printed 2 crossed-out and replaced with a hand-written 3] receives flow from CVL-D5; these are in accord with Dwg. T1-9597. In the proposed amendment, culvert CVL-C3 is not listed. Watershed CVL-7F is given as the contributing source to CVL-C2, but Dwg. T1-9597 shows it is at the outlet end of culvert CVL-C3 and is not associated with CVL-C2.

Pages 6, 7, and 9 in Section 5.30 of the submittal refer to runoff and pond-sizing calculations in Appendix B. There are no such calculations in Appendix B. Other pages refer to runoff and pond-sizing calculations in the Hydrology Appendix in Volume II, but it is not clear that this appendix contains the calculations referred to on pages 6, 7, and 9; if it does contain them, it is not clear where the respective calculations are located in this large appendix. The Permittee needs to clearly identify the correct location of the runoff and pond-sizing calculations referred to on pages 6, 7, and 9.

The Explanation on Dwg. E9-3341 lists "YY. COVOL MODULAR COAL FINES WASH PLANT" and "H. RIVER PUMPHOUSE" under the heading "FACILITIES REMOVED DURING RECLAMATION - NO LONGER SHOWN ON MAP", but both facilities are still shown on the map. The Permittee needs to rectify this discrepancy.

Findings:

Hydrologic Operation Information is not sufficient to meet the requirements of the Coal Mining Rules.

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R645-301-121.200, The Permittee needs to remove the reference to Dwg. A9-1464 in the Dryer Pond discussion on page 5 in Section 5.30 of the submittal. In 2006, Dwg. A9-1464 was removed from the MRP and replaced by Dwg. 712e.

R645-301-121.200, -742.300, The Permittee needs to resolve discrepancies between the current and new versions of Table 742, and between Table 742 and Dwg. T1-9597. In Table 742.0c in the current MRP, CVL-C2 is sourced by ditches CVL-D2 and D3, and CVL-C3 [with a printed 2 crossed-out and replaced with a handwritten 3] receives flow from CVL-D5; these are in accord with Dwg. T1-9597. In the proposed amendment, culvert CVL-C3 is not listed. Watershed CVL-7F is given as the contributing source to CVL-C2, but Dwg. T1-9597 shows CVL-7F is at the outlet end of culvert CVL-C3 and is not associated with CVL-C2.

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RECOMMENDATIONS:

The amendment should not be approved for insertion into the MRP until the deficiencies listed above are satisfactorily addressed.