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December 13, 2007

Patrick Collins, Resident Agent
Mt. Nebo Scientific
P.O. Box 337
Springville, Utah 84663

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

Dear Mr. Collins:

The Division has reviewed your Abatement Information for MRP application. The Division has identified several deficiencies that must be addressed satisfactorily before the Division can find that the requirements of the R645 Coal Mining Rules have been met and approve the amendment. One set of deficiencies was listed in a letter sent to you on November 11, 2007. Additional deficiencies have since been identified. All deficiencies are listed in an attachment to this letter.

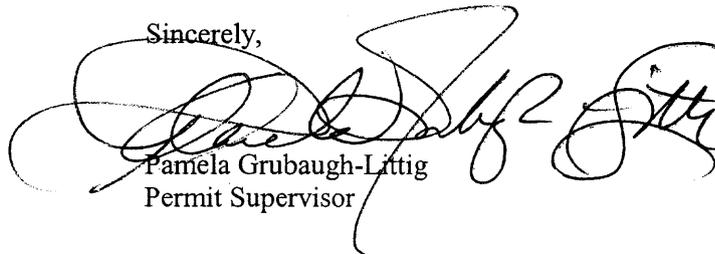
Each deficiency identifies its author by that author's initials in brackets so that your staff can directly communicate with that individual relative to the preparation of your response to a particular deficiency.

Jim Smith [JDS] (801) 538-5262
Priscilla Burton [PWB] (435) 613-3733

Please respond to these deficiencies by no later than March 31, 2008 so that we may efficiently complete this review. If you have any questions, please call me at (801) 538-5268 or Jim Smith at (801) 538-5262.

Thank you.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

Attachment
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Deficiency List
12/12/07
Task ID #2818
Wellington Prep Plant
N06-37-1-1 Abatement Information

- R645-301-121.200**, Reference the revised Dwg E9-3341 on page 1 of Section 5.30 Operational Design Criteria and Plans, since the location of the buried pipeline is pertinent to the operation and reclamation narrative.
- As noted in Sec 5.30, p. 2, please provide in Appendix M the details of the functioning water system, such as how flow is controlled and how backflow is prevented.
 - Verify the statements made concerning the connection, function, and sequence of the three ponds (p. 2, Sec. 5.30; pp. 1b and 1c, Sec 7.42).
 - Correct p. 2 of Section 5.30 to state that water enters the Dryer Pond in an uncontrolled manner through a subsurface pipe that originates at the Price River pumphouse.
 - Do not omit the Dike description on p. 13, Section 5.30.
 - Follow up the statement at the 5th bullet on p. 19, Appendix M to indicate what other sources of water might be entering the buried culvert and exiting into the Dryer Pond.
 - Information regarding the beneficial use of the water right, provided on pp. 4 and 19, is contradictory. [PWB]
- 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. [JDS]
- 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 hand-written 3 in the Division's copy] 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. [JDS]
- R645-301-121.200**, The Permittee needs to clearly identify the correct location of the runoff and pond-sizing calculations referred to on pp. 6, 7, and 9 in Section 5.30 of the submittal: there are no such calculations in Appendix B. There are runoff and pond-sizing calculations in the Hydrology Appendix in Volume II, but it is not clear if this appendix contains the referenced calculations and, if it does, it is not clear where in this large appendix the respective calculations are located. [JDS]

R645-301-121.200, 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. [JDS]

R645-301-240, The reclamation plan describes possible disturbance on the east and west sides of the river. Describe the soil types and expected topsoil salvage, as well as water level on each side of the River. Outline the locations on a map and provide acreage figures for the extent of the proposed disturbances required to seal the underground pipe. [PWB]

R645-301-521.122 Appendix M must include a map clearly showing location of underground pipe conveying water from west to east on the scale of 1:12,000, such that a reclamation plan for the site can be developed. The map should indicate the location of the buried pipe “inlet” as well as the location of the Dryer Pond outlet. [PWB]

R645-301-521.190, Appendix M should include a map on the scale of 1:12000 showing the soil sampling locations at the Price River pumphouse west and east side. [PWB]

R645-301-526.220, R645-301-730, and R645-301-742.221.35, The 6th bullet on p. 19 indicates that the water entering the Dryer Pond reaches equilibrium. Explain how backflow from the Dryer Pond to the Price River will be prevented.

- Describe the current operation of the water well, that NEICO desires to retain (App M, p. 18).
- Provide design drawings and cross-sections sufficient to demonstrate how the Price River well contributes to the flow in the buried pipeline and how both water well and pipeline will comply with performance standards. [PWB]

R645-301-541.400 and R645-301-542, The reclamation must include (certified) maps or drawings or other information to show the location of the reclamation disturbance and how the Permittee will comply with environmental protection standards or a timetable for reclamation.

- How will the uncertainty in the source of the water to the Dryer Pond affect the reclamation plan (5th bullet on p. 19, Appendix M)? [PWB]