

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 1, 2008

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TO: Internal File

THRU: Jim Smith, Team Lead *DS 02/11/08*

FROM: Priscilla Burton, CPSSc, Environmental Scientist III *PWB by ar*

RE: 2006 Midterm Permit Review, Nevada Electric Investment Company, Wellington Preparation Plant, Permit C/007/0012, Task ID #2841

SUMMARY:

On August 29, 2006, the Division sent the Permittee a letter stating that a midterm review of the mining and reclamation plan commenced by the Division. After review of the administrative records under Task 2621, a deficiency was written under R645-301-515.320, requesting notification of temporary cessation. The Permittee's response was received on August 17, 2007 and was a low priority review assignment, hence, the six month delay.

Forty-five acres on the west side of the preparation plant have been graded but not seeded. Close to four acres on the east side have been graded and seeded. Notice of temporary cessation in Sec 5.15 of the MRP meets the requirements of R645-301-515.320.

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TECHNICAL ANALYSIS:

RECLAMATION PLAN

REPORTING AND EMERGENCY PROCEDURES

Regulatory Reference: 30 CFR Sec. 827.12(i); R645-301-515, et seq.

Analysis:

The five-year permit renewal dated Dec. 10, 2004 describes the history of the Wellington Prep Plant operations. The initial permit was issued to US Steel Corp on Dec 10, 1984 and the plant was put into temporary cessation. In February 1886, the permit was transferred to Kaiser Coal Corp, but they never activated the plant.

Genwal Coal Co. purchased the property through bankruptcy proceedings in August 1989. After five years of temporary cessation, the plant was re-activated under Genwal's ownership (permit dated October 1989) and used as a loadout.

The permit changed hands twice more: to Castle Valley Resources, Inc on Dec. 5, 1991 and to NEICO on April 18, 1994. COVOL remined the slurry ponds from 1997 - 1999.

Section 5.15, p.3 describes the temporary cessation of the west and east side of Wellington Preparation Plant. The temporary cessation notice describes the buildings that were demolished and the 45 acres graded in the surface facilities and coal storage area on the west side. The COVOL operation ceased in 2003. Structures shown on Figure 5.12-1, near the slurry ponds, were reclaimed in 2004. Total acreage on the east side is 3.81 acres. Reclamation of the Price River Pumphouse (completed in 2004) may be described as interim (Appendix M of the MRP).

Findings:

Notice of temporary cessation in Sec 5.15 of the MRP meets the requirements of R645-301-515.320.

RECOMMENDATIONS:

The Division should approve the midterm review.