

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 13, 2008

OK

TO: Internal File

FROM: James D. Smith, Environmental Scientist, Team Lead *DS 06/13/08*

RE: NO6-37-1-1 Abatement Information for MRP, NEICO, Wellington Prep Plant, C/007/0012, Task ID #2952

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. 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 included the abatement information as a new Appendix M, with references to Appendix M added to other sections of the MRP. Several deficiencies were identified in that submittal and the Division sent a Deficiency Letter on December 13, 2007. The Division received the Permittee's response on March 31, 2008

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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 information requested on the water system related to the Clearwater pipeline 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. Supplemental information was added to Appendix M in March 2008. The degree to which the system is "functional" to transfer water from the Pumphouse area to the Dryer Pond is mentioned on page 2 and discussed in this supplement. Without the well pump (which was stolen in 2004), the Permittee does not have the means to physically "operate" the water well; however, the remaining infrastructure is being maintained "in a safe and secure manner until such time as there is a need to install a new pump and once again withdraw water as allowed by the valid water right associated with this well."

The possibility of backflow from the Dryer Pond to the Pumphouse area is discussed in the supplement; backflow is not impossible but unlikely, and no specific steps are outlined to prevent backflow.

The description of the dike construction is on pp. 11 and 12; a deficiency concerning the absence of information on this dike was the result of these pages having been omitted from the copy that was reviewed. The deficiency relating to interconnectedness of the Dryer, Road, and Auxiliary Ponds was resolved by reexamining the plans; the ponds are interconnected and statements in the MRP regarding connection, function, and sequence are correct. An apparent discrepancy between Table 742.0c and Dwg. T1-9597 was also resolved without modification of the MRP or submittal. References to Appendix B for hydrologic calculations have been revised and now refer to Vol. II, Hydrology Appendix.

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 suspected inlet to the Clearwater pipeline at the Dryer Pond (712e). The Permittee references revised Dwg. E9-3341

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on p. 1 in Section 5.30; Dwg. A9-1464, which was replaced by 712e in 2006, is no longer referenced.

Dwg. E9-3341) shows, to the extent it is known, the location of Clearwater Pipeline from the Pumphouse area on the east bank of the Price River to the Dryer Pond on the west bank.. There are no detailed as-built drawings for the pipeline; subsequently, the location at which it will be sealed and the area of disturbance cannot be determined exactly. In consultation with a registered Professional Engineer, an appropriate closure will be done, taking into account the condition of the pipeline and other factors.

Some information provided previously on water entering the Dryer pond appeared contradictory; stating in places that the water was definitely being transported through an existing buried culvert from the Price River Pumphouse, and then opening the possibility that the source of the water is not certain. Appendix M clarifies that information obtained since the initial statements were made provides greater certainty that the water is being conveyed from the Pumphouse area through the remnants of the Clearwater pipeline, and alternative sources are less likely.

The Permittee mentions wildlife habitat at the Dryer Pond, but wildlife habitat is not claimed as a postmining land use, and water rights held by the Permittee are for industrial use, including dust control (Appendix M, p. 19). The Permittee is not claiming wildlife is an official beneficial use of the water or that it will be formalized as an official beneficial use in the future.

Findings:

Hydrologic Operation Information provided is sufficient to respond to the Division's findings of deficiency and to meet the requirements of the Coal Mining Rules.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Mining Facilities Maps

Under the heading "FACILITIES REMOVED DURING RECLAMATION - NO LONGER SHOWN ON MAP" on Dwg. E9-3341, "YY. COVOL MODULAR COAL FINES WASH PLANT" and "H. RIVER PUMPHOUSE" are no longer listed. In response to a Division finding of deficiency, the Permittee removed these items from graphic drawing, but the Permittee also removed the notation for these sites from the "FACILITIES REMOVED

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DURING RECLAMATION .. list. These sites have been reclaimed, although not released from bond or removed from the permit area.

The July 6, 1983 version of Dwg. E9-3341 also shows "DD. WOOD STORAGE AREA", but this notation was dropped from the more current drawings at some unknown time in the past. Similarly, the designation "SS" has either been removed or was skipped; the 1983 version lists only up to "MM", so if there was a feature designated by "SS" it was added after 1983 and removed before latest versions of the map were produced.

These missing items have not created a problem to the Division in enforcing the Coal Mining Rules, inspecting the site, or managing the MRP and permit. However, the list is at present incomplete and inaccurate. This information may be useful to the Division at some future time, so the Division might yet require restoration of this information to this or a similar map.

Findings:

Mining Facilities Map information is sufficient to meet the requirements of the Coal Mining Rules.

RECLAMATION PLAN

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

Analysis:

Dwg. G9-3510 shows the soils for the entire permit and adjacent areas. A recent soil map of the pumphouse area, from the NRCS Soil Survey, has been added at the end of Appendix M [Soil Map-Carbon Area, Utah, Parts of Carbon and Emery Counties (Wellington Prep Plant Area)]. "Soil Sample Locations, Wellington Prep Plant, Pump House Area, 2006", found at the end of Supplemental Information for Appendix M (March 31, 2008), shows sampling locations at the Price River pumphouse area.

The depth to ground water and the water level of the Price River vary depending on the season, but ground water will probably be intercepted within 10 feet of the ground surface. Work will not be done in the river or adjacent wetlands: the working area will be protected with

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a coffer dam if needed and feasible. Measures for riparian and wetland protection and revegetation are described in the MRP, Section 3.41.

The Permittee maintains that, with the procedures described, any uncertainty as to the source of the water flowing to the Dryer Pond will not affect reclamation.

Measures for protection of the soils during the Clearwater Pipeline reclamation are described in Appendix M. An engineer will supervise soils excavation, which might occur on either the east or west banks of the Price River, based upon the engineer's judgment: there are no detailed as-built drawings for the Clearwater Pipeline. Disturbance will be minimal. Soils will be excavated with a trackhoe. As soon as flow in the pipeline has been conclusively terminated, the soils will be replaced in the same sequence as removed and revegetated. A Professional Engineer will be onsite to supervise the reclamation and sealing of the pipeline, and procedures outlined in the MRP will be followed to ensure protection and salvage of the native soils and other excavated materials. Certified as-built maps with the location of these activities will be provided at reclamation.

Access to the buried pipeline on the west side of the river is currently undisturbed as far as the application of SMCRA and the Utah Coal Mining Rules is concerned, but the area was disturbed by pre-law coal mining activity. Map E9-333 shows there is already a road, or at least a two-track, to the west bank, in the area of the diversion dam and pipeline crossing: it is visible on the Soil Sample Locations photo map at the end of the Supplemental Information for Appendix M (March 31, 2008). This road is almost certainly the route the pipeline follows. The road may now be overgrown and somewhat self-reclaimed and there would be an advantage in not distributing (or redistributing) this area, but if the west bank turns out to be the best place to achieve closure of the pipeline, the Division should not forbid the Permittee that option.

The soils where the pipeline is buried have already been disturbed and mixed. The plan says the Permittee will remove the soils and replace them "...in the same sequential order as they were removed..." (Appendix M, Response L), but there hasn't been sufficient time for identifiable horizons or soils to develop above the pipeline. The reclamation plan doesn't propose to remove of the pipeline, just to uncover enough to seal it, which would involve a small area of redistribution. The plan states they will avoid the river and wetlands. If this area on the west bank were to be redistributed, the reclamation plan and bond would need to be updated.

Findings:

Information provided is sufficient to respond to the Division's findings of deficiency and to meet the requirements of the Coal Mining Rules.

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RECOMMENDATIONS:

The amendment should be approved for insertion into the MRP.

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