0003

Outgoing
C0070012
K

**From:** Suzanne Steab
**To:** mt.nebo@xmission.com
**CC:** Daron Haddock; Dave Darby; Jim Smith
**Date:** 3/3/2009 10:35 AM
**Subject:** 2008 Annual Report
**Attachments:** AnnualReportLetterIM.pdf; Wellington Prep Plant C0070012.doc

Hello Patrick,

Attached is the Annual Report Letter and Annual Report Form for Wellington Prep Plant C0070012.

Thanks

JON M. HUNTSMAN, JR.
*Governor*

GARY R. HERBERT
*Lieutenant Governor*

# State of Utah

**DEPARTMENT OF NATURAL RESOURCES**

MICHAEL R. STYLER
*Executive Director*

**Division of Oil, Gas and Mining**

JOHN R. BAZA
*Division Director*

March 2, 2009

VIA E-MAIL

To All Coal Mine Operators

Subject: Submittal of Annual Report for 2008, Outgoing File

Dear Mine Operator:

This letter is to remind you to submit an Annual Report for 2008, for your coal mining and reclamation operations. Enclosed, please find an updated 2008 Annual Report form for your use. This single document is to be used by the operator, the inspector, and the DOGM staff. Our inspectors will also use this form to document their review of the annual report. This 2008 Annual Report document is being sent in a format that is compatible with most word-processing programs, and you should be able to open the file and enter your information directly into the form electronically. When completed, it can be submitted to the Division electronically. If for some reason you cannot make use of this electronic format, please fill out two hard copies and mail them to the Division at:

Utah Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
Post Office Box 145801
Salt Lake City, Utah 84114-5801.

The 2008 Annual Report form includes entries for regulatory requirements, such as annual impoundment certification; however, many Mining and Reclamation Plans include unique, mine-specific commitments that also must be reported annually. Please be sure to submit the following items as part of the 2008 Annual Report:

1) Raptor and archeology reports stamped as confidential and in a separate folder stamped confidential (R645-300-124.300);
2) Mine map identifying mining in 2008 as well as the mining proposed for the next five years [PE Certified] (R645-301-512 and R645-301-521); and
3) Notices of Proposed Mining (if any) sent to water conservancy districts and all owners and occupants of surface property above the underground workings (R645-525.700).
4) Annual impoundment certifications (R645-301-514.300)

Any confidential information should be submitted in a separate folder marked "Ann

Report Confidential Information. See Map Section in the Annual Report for a definition of confidential material.

Timing for the 2008 Annual Report submittal is outlined below.

- The Division will send out 2008 Annual Report forms.
- The Operator will submit the required information by May 15, 2009.
- The Inspectors will review 2008 Annual Report information during a complete inspection by July 31, 2009. If required information is not included, the Division can initiate enforcement and compliance action.
- If the Inspector determines that more review is needed of a specific item, the Inspector will comment and forward the 2008 Annual Report to an assigned staff member.
- This additional review will be handled separately, as a Special Project, and completed by October 31, 2009.

If you have any questions, please call me at (801) 538-5325 or Dave Darby at (801) 538-5341.

Sincerely,

Daron R. Haddock

Daron R. Haddock
Permit Supervisor

O:\AnnualReport\2008 Annual Reports\Operator Annual Reports\Inactive Mines\Inactive ARLetter2008Revised.doc

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendicies to the Division by April 30, 2009. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

## GENERAL INFORMATION

| | |
|---|---|
| Permittee Name | Nevada Electric Investment Company (NEICO). |
| Mine Name | Wellington Preparation Plant |
| Operator Name (If other then permittee) | |
| Permit Expiration Date | December 10, 2009 |
| Permit Number | C/007/0012 |
| Authorized Representative Title | Tony Garcia |
| Phone Number | (702) 367-5767 |
| Fax Number | (702) 227-2069 |
| E-mail Address | mt.nebo@xmission.com |
| Mailing Address | NEICO (Nevada Power), 6556 W. Sahara Ave., Las Vegas NV 89151 |
| Designated Representative | Patrick D. Collins, Ph.D. |
| Resident Agent | Patrick D. Collins, Ph.D. |
| Resident Agent Mailing Address | P. O. Box 337, Springville, UT 84663 |
| Number of Binders Submitted | 2 |

## IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

| Permit Type | ID Number | Description | Expiration Date |
|---|---|---|---|
| MSHA Mine ID(s) | 1211-UT-09-00099-01 | Plant Refuse Pile | N/A |
| | 1211-UT-09-00099-05 | Pond Refuse Pile | N/A |
| MSHA Impoundment(s) | 1211-UT-09-00099-02 | Clearwater Pond | N/A |
| | 1211-UT-09-00099-03 | Lower Slurry (Refuse) Pond | N/A |
| | 1211-UT-09-00099-04 | Upper Slurry (Refuse) Pond | N/A |
| NPDES/UPDES Permit(s) | UTG040010 | General/Industrial | 30 April 2008 |
| | | | |
| PSD Permit(s) (Air) | DAQE 997-992 | AO-Air Quality | N/A |
| | | | |

**Other**

| | | | |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

Operator, please update any incorrect information.

## CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

| **Certified Reports:** | **Required** Yes | No | **Included** Included | **or** | **DOGM file location** Vol, Chapter, Page |
|---|---|---|---|---|---|
| Excess Spoil Piles | ☐ | ☐ | ☐ | | |
| Refuse Piles | ☐ | ☐ | ☐ | | |
| Impoundments | ☐ | ☐ | ☐ | | |
| **Other** | | | | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

| |
|---|
| Admin R645-301-100 |
| Soils R645-301-200 |
| Biology R645-301-300 |
| Landuse, Cultural Resources, Air Quality R645-301- 400 |
| Engineering R645-301-500 |
| Geology R645-301-600 |

Hydrology R645-301-700

Bonding & Insurance R645-301-800

**Other Commitments**

| | |
|---|---|
| | |
| | |

*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

## REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

| **Legal / Financial Update** | **Required** Yes | No | **Included** Included | **or** | **DOGM File location** Vol, Chapter, Page |
|---|---|---|---|---|---|
| Department of Commerce, Annual Report Officers | ☐ | ☐ | ☐ | | |
| **Other** | | | | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |
| | ☐ | ☐ | ☐ | | |

## MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2008, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

| Map Number(s) | Map Title/ Description | Confidential Yes | Confidential No |
|---|---|---|---|
| Annual subsidence map | | | |
| Mine map | | | |
| Other maps | | | |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |
| | | ☐ | ☐ |

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

## OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

**Additional attachment to this report?** **Yes** ☐ **No** ☐

**Operator Comments**:

**Inspector:**
Has the operator complied with this section? Yes ☐ No ☐
**Inspector Comments:**

# APPENDIX A

## Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

**CONTENTS**

# APPENDIX B

## Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

**CONTENTS**

## APPENDIX C

## Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

**CONTENTS**

# APPENDIX D

## Mine Maps

As required under R645-302-525-270

**CONTENTS**

# APPENDIX E

## Other Information

In accordance with the requirements of R645-301 and R645-302

**CONTENTS**