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# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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May 9, 2012

TO: Internal File

THRU: April Abate, Lead *QAG 5/30/2012*

FROM: Ingrid Campbell, Biologist *IC*

RE: Midterm Permit Review, Nevada Electronic Investment Co., Wellington Preparation Plant, Permit C/007/0012, Task ID#4043

### SUMMARY:

On March 13, 2012, the Division notified Nevada Electronic Investment Co (NEICO) of the commencement of the Midterm Permit Review for the Wellington Preparation Plant. The Division outlined the following items to be reviewed:

- A. Review of the Plan to ensure that the requirements of all permit condition, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) are appropriately incorporated into the Plan document.
- B. Ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. Review applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.

E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.

F. Evaluate the permit for compliance with variances or special permit conditions.

G. Optional for active mines, mandatory for reclamation only sites: conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

The midterm review is recommended for approval. The permittee should be aware that there is a commitment to enhance the site with tamarisk removal and willow/cottonwood plantings.

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

**GENERAL**

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

**Analysis:**

Wellington Preparation plant is currently in temporary cessation status. The reclamation plan was last revised during the 1994 midterm review. Test plots were constructed to attempt to compare several revegetation treatments for final reclamation. The test plots revealed several trends including the following:

- Irrigated plots had better vegetative growth
- 6" of topsoil was significantly better than 12"
- The addition of organic amendments showed no definite trend
- The addition of slurry cover had a negative effect on the plots
- Plots did significantly better without the addition of coarse slurry material.

Division staff visited the site on April 19, 2012. Priscilla Burton mentioned that there was an invasion of tamarisk trees along the slurry pond and along the price river within the permit area. Tamarisk is a class C noxious weed according to the State of Utah. Section 3.42 of Volume I-A details the plan for enhancing the riparian area as through tamarisk control and revegetation with willow cuttings. This commitment was added to the master list of commitments. Division biologist Ingrid Campbell, visited the site on May 4, 2012 to assess the tamarisk presence on the site. It is suggested that the tamarisk removal occur concurrently with the reclamation of the site.

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements of this section.

**RECOMMENDATIONS:**

This midterm review is recommended for approval.