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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Executive Director

Division of Oil, Gas and Mining

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Outgoing  
C0070012  
#4207  
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December 20, 2012

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

Subject: Midterm Permit Review Completion Response, Wellington Preparation Plant, NEICO Inc., C/007/0012, Task ID #4207

Dear Dr. Collins:

The Division has reviewed your correspondence from November 20, 2012 responding to the Midterm Deficiency Letter for the Wellington Preparation Plan site. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The initials of the deficiencies authors are provided so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application *by no later than January 20, 2013*.

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

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/AAA/ss  
cc: Price Field Office  
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## **Deficiency List**

**Task No. 4207**

**Amendment: Midterm Permit Review**

Members of the review team with outstanding deficiencies:

April Abate (AA)  
James Owen (JO)

**[R645. 731.222.1]:** The Permittee has proposed to temporarily suspend collecting flow measurements from SW-2. The rationale was that this location no longer diverts or discharges water because the facility is no longer located there. In addition, degrading conditions of the stream bank over time have made the stream unsafe for access to collect a flow measurement.

The Permittee is required to collect flow measurements from all surface water sample locations in accordance with 731.222.1 and would therefore be out of compliance if flow cannot be collected at this sampling point. Please make the necessary upgrades to safely collect a flow measurement at SW-2 (or SW-2A). Alternatively, the Permittee may propose a different location to collect the required data. (AA)

**[R645-301.830.140]:** The estimated unit costs for concrete demolition, loading, hauling, and pipe removal are not current and need to be updated. These costs need to be determined with the assistance of DOGM. (JO)

**[R645-301.830.430]:** The amount of time designated for the reclamation of Road Pond and Heat Dryer Pond needs to be verified. (JO)

**[R645-301.830.440]:** There are concrete building foundations within the disturbed area boundary that are not included in the demolition portion of the bonding calculations. These must be measured and included. (JO)