

#4253
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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 7, 2013

TO: Internal File

THRU: Steve Christensen, Permit Supervisor *SC*

FROM: April A. Abate, Environmental Scientist III and Team Lead *aaa*
2/8/13

RE: Midterm Permit Review, Wellington Preparation Plant, NEICO Inc., C/007/0012,
Task ID #4253

SUMMARY:

In accordance with R645-303-211, the Division of Oil, Gas, and Mining (the Division) is required to review each active permit during its term. The Division commenced the Midterm Review for the Wellington Preparation Plant on March 13, 2012. All commitments and permit conditions relating to administrative completeness and hydrology requirements of the R645-301-100 & 700 sections of the Utah Coal Rules were reviewed. On May 30, 2012, the Division issued a deficiency letter based on mostly out of date information found in the Wellington Prep Plant Mining and Reclamation Plan. The Permittee issued a response to the midterm review on November 20, 2012. All of the Ownership and Control related deficiencies and most of the hydrology deficiencies were resolved (M:\FILES\COAL\PERMITS\007\C0070012\2012\INTERNAL)

This memo addresses the response to one remaining hydrology-related deficiency that was identified in the letter issued to the Permittee on December 20, 2013.

FINDINGS:

[R645. 731.222.1]: The Permittee has withdrawn their request to temporarily suspend collecting flow measurements from SW-2 and has provided updated safety protocols for collecting water samples at SW-2. Therefore, the deficiency identified has also been withdrawn.

RECOMMENDATION:

Midterm approval is recommended.

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GENERAL CONTENTS

HYDROLOGY

The following remaining deficiency was found based on a review of the contents of the hydrology section of the midterm response application:

[R645-301-731.122 and -.222]: Water Monitoring these sections should be updated based on the outcome of the revised Probable Hydrologic Consequences (PHC) section of the Mining and Reclamation Plan.

Analysis:

Section 731.122 and -.222 Water Monitoring

The Permittee initially proposed in the midterm response application to make a modification to the surface water sampling plan to temporarily suspend collecting flow measurements from SW-2. The rationale was that this location no longer diverts water to the Price River, or discharges water because the facility is no longer located there. Furthermore, degrading conditions of the stream bank over time have made the stream bank unsafe for accessing to collect a flow measurement. Water quality measurements are collected from SW-2A the Farnham ditch diversion but flow measurements are collected at nearby SW-2.

The Division informed the Permittee that they are required to collect flow measurements from surface water sample locations in accordance with 731.222.1 and would be out of compliance if flow cannot be collected from this sampling point.

In the January 31, 2013 response letter, the Permittee indicated that they are withdrawing their request to suspend flow measurements at surface location SW-2 and will make the necessary safety upgrades to better facilitate the collection of a flow sample. Page 30a in Section 7.28 of the MRP contains updated protocols for safely collecting a flow sample as SW-2.

Findings:

[R645. 731.222.1]: The Permittee has withdrawn their request to temporarily suspend collecting flow measurements from SW-2 and has provided updated protocols for safely collecting water samples at SW-2. Therefore, the deficiency previously identified has also been withdrawn.

RECOMMENDATION:

Midterm approval is recommended.