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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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June 4, 2015

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

Subject: Post Mining Land Use Change, Wellington Prep Plant, Price River Terminal, LLC, C/007/0012, Task ID #4891

Dear Mr. Collins:

The Division has reviewed your application for a Post Mining Land Use (PMLU) change at the Wellington Preparation Plan facility. As a revision to the approved PMLU is processed as a significant revision (per the State of Utah R645 Coal Mining rules), the staff conducted a review of the application to determine if it was Administratively Complete. It was determined that additional information is necessary.

The plans as submitted are denied. The Administrative Completeness Review form has been attached and outlines the areas where further information is required. If you have any questions, please call me at (801) 538-5350.

Sincerely,

Steve Christensen
Permit Supervisor

SKC/ss
Attachment
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**ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET
(R645-100)**

DATE: 5/29/2015

REVIEWER(S): Suzanne Steab, Cheryl Parker, Lisa Reinhart, Priscilla Burton, Daron Haddock, Steve Christensen

APPLICANT: Price River Terminal, LLC, Post Mining Land Use Change

MINE NAME: Wellington Prep Plant **FILE NO.:** Task ID #4891

"Administratively Complete Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

Directions: The categories listed below correspond to the minimum requirements for information necessary to initiate processing and public review. If a category is checked the Applicant has met the Completeness requirement for that category. If a category is not checked, the Completeness requirements have not been met. If a category is Not Applicable, enter NA in check box. The comments column will identify the deficiency and what is necessary to correct it.

Comments

			Comments
301-112	Identification of Interests	<u>NA</u>	This application is for a post mining land use change. The ownership and control information provided in the MRP remains unchanged.
100	Applicant's Business Structure	<u>NA</u>	
210	Applicant's Name/Address/Phone	<u>NA</u>	
220	Resident Agent's Name/Address/Phone	<u>NA</u>	
230	Name/Address/Phone of AML Fees Payer	<u>NA</u>	
300	Corporate Structure & Ownership	<u>NA</u>	
400	Identify Other Mining Operations in US	<u>NA</u>	
500	Surface & Mineral Ownership	<u>NA</u>	
600	Ownership Contiguous to Permit	<u>NA</u>	
700	MSHA Numbers	<u>NA</u>	
800	Interest in Contiguous Lands	<u>NA</u>	

301-113	Violation Information	<u>X</u>	An AVS Evaluation was generated on 4/29/15. No permit violations reported.
100	Suspension or Revocation Information	<u>NA</u>	
300	List of Violations - 3 Previous Years	<u>NA</u>	
301-114	Right of Entry	<u>X</u>	The Permittee does not propose to change any of the information in chapter 1 of the approved MRP (i.e. R645-301-100 rules). The Right of Entry information currently within the approved MRP has not been revised (see page 9 of Chapter 1).
301-115	Status of Unsuitability Claims	<u>X</u>	The Permittee does not propose to change any of the information in chapter 1 of the approved MRP (i.e. R645-301-100 rules). The Status of Unsuitability Claims information currently within the approved MRP has not been revised (see page 9 of Chapter 1).
301-116	Permit Term	<u>X</u>	The permit renewal date occurs on a 5-year basis. The Permittee is not proposing that the renewal date/frequency be revised.
301-117	Insurance	<u>X</u>	A current Certificate of Liability Insurance is on file with the Division.
	Proof of Publication	<u>X</u>	The applicant has provided a proposed public notice identifying the change in the postmining land use and allowing for public comment. The notice meets the requirements of the rules. The proof of publication will need to be submitted once the notice has been published in the local paper.
	Facilities and Structures Used in Common —		
301-118	Filing Fee	<u>NA</u>	

301-123	Notarized Signature of Responsible Official	<u>X</u>	The application for alternative post-mining land use contains a notarized signature/stamp. Kimberly Rayburn (Notary Public State of Utah #680151) signed/stamped the application on April 20th, 2015.
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301-130	Information Collection: Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data - Dates of Collections - and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data	<u>X</u>	The technical data provided by the Permittee meets the Information Collection requirements of R645-301-130.
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301-200	Soils	—	The PMLU change makes revisions to Section 2.41 see comments below.
211	Description of Pre-mining Soil Resources	—	see below
221	Prime Farmland Investigation	<u>NA</u>	Prime farmlands are not affected by this application.
222	Soil Survey	—	see below
224	Substitute Topsoil Info (When Proposed)	—	Section 2.41 Describes three borrow areas C, D, and E and the use of Clearwater and Lower Refuse Dikes for cover/substitute topsoil. This section is not complete, because suitability information for subsoil borrow area C could not be found in the MRP or application. A map must be provided that identifies borrow areas C, D, and E and the Clearwater and Lower Refuse Dikes. A table on the map should identify the acreage of each borrow area, the approximate borrow depth, and the subsequent volume recovered. The borrow area map should be referenced in the narrative.
230	Operation Plan Topsoil Handling/Removal/Storage	<u>NA</u>	No change was made to the topsoil storage information.

240	Reclamation Plan Soil Redistribution/Stabilization	<p>—</p> <p>PMLU amendment makes changes as follows: Increase depth of salvage in Area C to 8.75 ft. Eliminate borrow area H. Table 2.41-1 and 2.41-2 revised to show the removal of the River Pumphouse for industrial PMLU. Coal storage pad reclamation is left uncertain. Road pond, dryer pond and auxilliary pond have been removed from the permit area. This information is not complete because the reclamation of the dryer pond and plugging of flow into the dryer pond as described in Appendix M has not been addressed.</p>
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301-300	Biology	<p><u>X</u></p> <p>The Permittee does not propose to change any of the resource descriptions, operations plan, or performance standards in chapter 3 of the approved MRP. All changes consist of updating section 3.41 (reclamation plan and requirements) and includes some minor changes therein.</p>
320	Vegetation Information	<p><u>X</u></p> <p>The Permittee does not propose any changes to 3.11 (Description of the biological resources) in Ch.3 of the approved MRP.</p>
322	Fish and Wildlife Information	<p><u>X</u></p> <p>See above</p>
323	Maps/Photos Vegetation-Fish-Wildlife Areas	<p><u>X</u></p> <p>The Permittee does not propose any changes to the maps in Vol. III of the approved MRP in regards to vegetation, fish or wildlife.</p>
330	Operation Plan Vegetation-Fish-Wildlife Protection	<p><u>X</u></p> <p>The Permittee does not propose any changes to 3.58 (protection of fish, wildlife, and related environmental values) in Ch.3 of the approved MRP.</p>
341	Reclamation Plan for Revegetation	<p><u>X</u></p> <p>A description of all disturbed areas is provided in Section 3.41 on pages 1-4. Methods used to reclaim each of the areas is described in Sec. 3.41 on pages 36 through 49. The status of reclamation activities is provided in 4.13 page 9.</p>
342	Fish & Wildlife Plan for Reclamation Phase	<p><u>X</u></p> <p>The Permittee does not propose any changes to 3.58 (protection of fish, wildlife, and related environmental values) in Ch.3 of the approved MRP.</p>

301-400	Land Use and Air Quality	<u>X</u>	Dwg.E9-3343(1) shows the boundaries of the current land use Dwg.412.01 shows the post mining land use boundaries. Justification for the change of postmining land use is provided in section 4.13 page 7 with a description of how the change results in a higher and better use pursuant to R645-301-413.300. 4.12 page 11 indicates an Air Quality Permit has been obtained from DAQ. However, a copy or reference to said permit is not provided. Fugitive dust is discussed in 7.28 page 19.
411	Pre-Mining Land Use Information (Includes Cultural Resources)	<u>X</u>	4.12, indicates premining land use was undeveloped land and grazing. Section 4.11 of the existing MRP contains the premining land use information as well as Cultural and Historic Resources.
412	Post-Mining Land Use Information	<u>X</u>	4.13 pages 1-3, provides a description of the proposed postmining landuses as undeveloped lands, cultivated lands, and industrial. This permit area is sectioned into different land uses.

301-500	Engineering	—	The application is missing revisions in Sections 521.141 and 521.170 documenting the change in post-mining landuse.
510 520	General Description of Operation Plan (Maps, Locations, Cross-Sections, Narrative, Descriptions & Calculations)	—	R645-301-521.141 requires all areas proposed to be affected over the total life of coal mining and reclamation operations including a description of size, etc. Chapter 5 was not updated to reflect the change in acreage by the change in land use detailed within the application. Section 521.141 needs to be updated reflecting the change in landuse and how it decreases the disturbance acres, with justification as to how it was not disturbed as outlined by R645 definitions of coal mining disturbance. Text within Section 521.170 details how the permit area is split by a rail system, an area which this application contemplates removing; while text in Chapter 5 still states that Wellington Preparation plan has access to the system to load rail. Section 521.170 needs to be updated removing references to loading the rail system relative to coal mining and reclamation processes if the land use it to be changed for said area.
522	Coal Recovery Description	<u>X</u>	NA
523	Mining Methods	<u>X</u>	NA
524	Blasting and Explosives Plan	<u>X</u>	NA

525	Subsidence Control Plan	<u>X</u>	NA
526	Mine Facilities Description (Narrative, Plans, Maps) Including Existing Structures & Support Facilities	<u>X</u>	R645-301-526 was met with updated drawing E9-3333, E9-3341, E9-3343 and E9-3451 showing the change in landuse, facilities and hydrologic monitoring points.
527	Transportation Facilities (Including Plans & Maps)	—	The primary and ancillary roads present at the site are not located within the area being proposed for a land use change. The current MRP has no changes to the chapter 5.27 which currently describes the rail track. This section must be updated to reflect the removal of the rail area from the permit area and operational use.
528	Coal Mine Waste Plans (Description & Designs)	<u>X</u>	The areas being considered in the application has a description of the coal mine waste in section 5.28 of the MRP which remains unchanged.
529	Management of Mine Openings (Design)	<u>X</u>	NA
531	General Plans for Structures	<u>X</u>	NA
532	Sediment Control	<u>X</u>	The application discusses how the existing sediment ponds and ASCA areas will be effective in minimizing disturbance to the site.
533	Impoundments	<u>X</u>	The application discusses how the exiting sediment ponds and ASCA area will be effective in minimizing disturbance.

301-534	Roads (Plans, Drawings, Designs, & Specifications)	<u>X</u>	The application does not contemplate any changes to the roads or rail. There are no changes to Drawings C9-1286
535	Spoil	<u>X</u>	NA
536	Coal Mine Waste	<u>X</u>	There is not any coal mine waste present in the areas where the application contemplates land use changes.
537	Regraded Slopes	<u>X</u>	NA

540 541-542	Reclamation Narrative, Maps and Plans	—	The application included updated drawings E9-3333, E9-3341, E9-3343, and E9-3451. These figures reflect the updated change in land use, facilities map, and hydrologic monitoring. This information is not complete as it does not address the pump house demolition to meet R645-301-542.400 which requires before abandoning a permit area (or seeking bond release) the permittee needs to send a description ensuring all temporary structures are removed and reclaimed and all permanent features meets the R645.301.542,-552 rules for such.
551	Casing and Sealing Underground Openings		This information is not complete because the reclamation of the dryer pond and plugging of flow into the dryer pond as described in Appendix M has not been addressed.
553	Backfilling and Grading Description	<u>X</u>	There is no change in the grading of the reclamation of the site as shown on drawing E9-3342, which was not updated.

301-600	Geology	<u>X</u>	The geology has previously been described in the existing mine plan. There is no affect on the Geology section of the PAP as a result of this permit change.
621	Description of Geology (Permit & Adjacent Area)	<u>NA</u>	
622	Geologic Cross-Sections, Maps, and Plans	<u>NA</u>	
630	Plans for Casing and Sealing Holes	<u>NA</u>	

301-700	Hydrology	—	Additional hydrologic information is required for the processing of the proposed Post Mining Land Use (PMLU). See discussion below.
721	Description of Hydrologic Resources (Permit and Adjacent Area)	<u>X</u>	The hydrologic information provided in the approved MRP does not require a revision with the proposed Post Mining Land Use Change. The hydrologic information in the approved Mining and Reclamation Plan (MRP) characterizes the areas identified for a Post Mining Land Use (PMLU).
722	Cross-Sections and Maps Subsurface Water - Surface Water - Monitoring Stations - Wells	<u>X</u>	The amendment provides a revised Water Monitoring Location Map (E9- 3451).

723	Sampling and Analysis <u>X</u>	Section 7.23 of the amendment, Sampling and Analysis (R645-301-723) is unchanged. The Permittee commits to sample in accordance with the methodology in "Standard Methods for the Examination of Water and Wastewater" or 40 CFR Parts 136 and 434 as required.
724	Baseline Information Ground Water - Surface Water - Geology - Climatological & Supplemental; If Needed <u>X</u>	The baseline information contained within the existing MRP characterizes the areas identified for a Post Mining Land Use (PMLU). The area identified for a PMLU is contained within the existing permit area. The ground and surface water hydrology for the PMLU area has been documented and monitored for many years.
728	PHC Determination <u>X</u>	The Permittee has made numerous revisions to the PHC that address the proposed PMLU change. The information is complete for a technical review.
730	General Operation Plan Minimize Disturbance to Hydrologic Balance & Compliance with Clean Water Act <u>X</u>	<p>The application must provide additional information (narrative and maps) relative to the surface drainage of the site. Specifically, please provide information that clearly identifies/discusses the drainage patterns and associated hydrologic features (i.e. sediment ponds, diversions etc.) that will be utilized and how they will effectively prevent the comingling of storm water generated on the retained SMCRA permit area and the proposed PMLU area. Please provide a map/figure that clearly depicts the watersheds and the associated hydrologic features within each one. The individual watershed maps provided in the Volume II Hydrology Appendix do not adequately depict the demarcations between the retained SMCRA permit area and proposed PMLU area</p> <p>Additionally, please provide additional information that discusses the hydrologic features that are proposed to be removed from the SMCRA permit (e.g. monitoring wells, conveyance structures, sediment ponds and piping associated with the ponds). Please address whether these hydrologic features are to be reclaimed, per the approved MRP, or whether they are to be retained for the proposed PMLU. If they are to be retained, then please provide a justification for not reclaiming them and discuss how they are consistent with the proposed PMLU and necessary for it's successful implementation.</p>
731	Ground and Surface Water Protection <u>X</u>	The application proposes to utilize existing sedimentation structures and Alternative Sediment Control Areas (ASCA's) to protect ground and surface water.

732	Sediment Control Measures	<u>X</u>	The application proposes to utilize existing sedimentation structures and Alternative Sediment Control Areas (ASCA's) to protect ground and surface water for both the retained SMCRA permit area and the PMLU area.
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301-740	Plans and Designs Operation and Reclamation Plan Sediment Control Measures		The plans and designs for the following facilities/features relative to the proposed PMLU are contained within the currently approved permit area. The PMLU revision does not require the construction of additional siltation structures, sediment ponds, diversions, roads etc. However additional information is required relative to the casing and sealing of wells and as to whether the sediment ponds to be removed from the SMCRA permitted are are going to be retained as opposed to reclaimed.
	Siltation Structures	<u>X</u>	
	Sediment Ponds	<u>X</u>	
	Other Treatment Facilities	<u>X</u>	
	Diversions	<u>X</u>	
	Road Drainage	<u>X</u>	
	Impoundments	<u>X</u>	
	Discharge Structures	<u>X</u>	
	Disposal of Excess Spoil	<u>X</u>	
	Coal Mine Waste	<u>X</u>	
	Disposal of Non-Coal Mine Waste	<u>X</u>	
	Casing and Sealing of Wells	<u>X</u>	

301-800	Bonding and Insurance	<u>X</u>	The applicate indicated that bond release applications will follow the approval of the land use change
820	Applicant Have Adequate Bond at Permit Issuance	<u>X</u>	The Permittee currently holds insurance under Steadfast Insurance Co. effective 09-25-14 through 09-25-15. Coverage includes the Acord/Marsh form, Explosives, and claims made per occurrence

830	Bond Estimate and Calculations Provided	<u>X</u>	NA The application does not contemplate increasing the site facilities in a manner that would require an updated bond estimate. The current surety bond amount of \$4,142,000 held by Surtey Bond Liberty Mutual Insurance Co., effective 7/2/14, is adequate.
890	Certificate of Insurance Provided	<u>X</u>	The Permittee currently holds insurance under Steadfast Insurance Co. effective 09-25-14 through 09-25-15. Coverage includes the Acord/Marsh form, Explosives, and claims made per occurrence.

302-200	Special Categories of Mining	<u>X</u>	Not applicable. The proposed PMLU is industrial. The land use will involve the transloading of oil/petroleum products and will not include practices associated with any form of mining.
210	Experimental Practices Mining	<u>X</u>	NA- See 302-200 Above
220	Mountaintop Removal Mining	<u>X</u>	NA- See 302-200 Above
230	Steep Slope Mining	<u>X</u>	NA- See 302-200 Above
240	Auger Mining	<u>X</u>	NA- See 302-200 Above
250	In Situ Processing Activities	<u>X</u>	NA- See 302-200 Above

302-260	Coal Processing Plants (Not Located Within Permit Area of Mine)	<u>X</u>	The proposed revision to the PMLU does not include a coal processing plan that is not located within the permit area of the mine.
270	Variances From Approximate Original Contour Restoration Requirements	<u>X</u>	This section of the rules does not apply. The PMLU areas to be removed from the SMCRA permit are already at approximate original contour (AOC).
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	<u>X</u>	This section of the rules does not apply. The PMLU areas to be removed from the SMCRA permit are already at approximate original contour (AOC).
290	Small Operator Assistance Program (SOAP)	<u>X</u>	The Permittee is not requesting assistance under the Small Operator Assistance Program.

302-300	Special Areas of Mining	<u>X</u>	NA
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301	Prime Farmland	<u>X</u>	Agricultural fields on the north edge of the property and to the south west of the Price River and north east of the railroad are prime farmland (Leland Sasser, NRCS, Prime Farmland Determination dated 4/11/1997 in Sec 2.21). The areas identified for an industrial post mining landuse are not prime farmland.
302	Alluvial Valley Floors	<u>X</u>	The permit area extends on either side of the Price River encompassing an alluvial valley. Valid Existing Rights (pre-SMCRA operation) existed for the facilities within the AVF. However Topsoil borrow area E was added post-law and was determined to be within an alluvial valley floor (see TA dated July 25, 1996, RE:Amendment 96B).

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