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**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

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*Governor*

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*Division Director*

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*Lieutenant Governor*

March 14, 2008

Gina Rau, Environmental Manager (801) 984-3770  
COVOL Engineered Fuels, LC  
10653 South River Front Parkway, Suite 300  
South Jordan, Utah 84095

Subject: Determination of Administrative Completeness for Wellington Dry-Coal Cleaning Facility, COVOL Engineered Fuels, LC, C/007/0045, Task ID #2899, Outgoing File

Dear Ms. Rau:

The Division has completed a review of the information received on January 15, 2008. The application is considered to be administratively complete. A copy of our review worksheet is enclosed for your information and records. A technical review of your plan has been initiated. Technical deficiencies will be forwarded to you as reviews are completed.

At this time you should publish a Notice of Complete Application for the Wellington Dry-Coal Cleaning Facility as required by R645-300-121. A copy of the publication should be sent to the Division as soon as it is available. You should also insure that a copy of the application is on file at the appropriate County Courthouse. The Division will complete a technical analysis, which must find that your application is technically complete. We anticipate that additional information may be necessary to make your application technically complete and look forward to working with you throughout the permitting process. Please call Steve Christensen (801) 538-5350 or myself (801) 538-5325 if you have any questions.

Thank you for your help in the permitting process.

Sincerely,

Daron R. Haddock  
Permit Supervisor

skc

Enclosure

cc: Price Field Office

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**ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET  
(R645-100)**

**DATE:** March 15, 2008

**REVIEWER(S):** Priscilla Burton, Steve Christensen, Joe Helfrich, Wayne Western

**APPLICANT:** COVOL Engineered Fuels, LC; 10653 South River Front Pkwy, Ste 300; South Jordan UT 84095

**MINE NAME:** Wellington Dry-Coal Cleaning Facility **FILE NO.:** C/007/0045

**"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. The comments column will identify the deficiency and what is necessary to correct it.

		Comments
301-112	Identification of Interests <span style="float:right"><u>X</u></span>	
100	Applicant's Business Structure <span style="float:right"><u>X</u></span>	Applicant is a Limited Liability Corporation.
210	Applicant's Name/Address/Phone <span style="float:right"><u>X</u></span>	Gina Rao, Environmental Mngr. 801-984-3770 COVOL Engineered Fuels, LC; 10653 South River Front Pkwy, Ste 300; South Jordan UT 84095
220	Resident Agent's Name/Address/Phone <span style="float:right"><u>X</u></span>	Contact above is not referred to Resident Agent. Applicant needs to address this rule.
230	Name/Address/Phone of AML Fees Payer <span style="float:right"><u>X</u></span>	The application states in Section 5.3.6 that "coal processing waste' is converted into a marketable product. Therefore, this material is considered a product, not a waste." AML fees may be required by OSM and this issue is under review by OSM.
300	Corporate Structure & Ownership <span style="float:right"><u>X</u></span>	Organizational chart would be helpful i.e. How are Headwaters Energy Services Corp and Headwaters, Incorporated related ?
400	Identify Other Mining Operations in US <span style="float:right"><u>X</u></span>	AVS check indicates 5 permitted mining operations in AL and IN are operated by COVOL Engineered Fuels, LC. and three permitted sites in KY are operated by affiliated companies. However, the application lists only one pending associated permitted site in KY under affiliated company COVOL Fuels No. 2 and one pending unpermitted site in KY for affiliated company COVOL Fuels No. 3 (Section 1.1.2.4).

500	Surface & Mineral Ownership	<u>X</u>	R645-301-112.600 subsurface ownership not identified, because no subsurface activity to occur on property.
600	Ownership Contiguous to Permit	<u>X</u>	R645-301-112.600 subsurface ownership not identified, because no subsurface activity to occur on property.
700	MSHA Numbers	<u>X</u>	MSHA ID#42-02398
800	Interest in Contiguous Lands	<u>X</u>	NA

301-113	Violation Information	<u>X</u>	NA
100	Suspension or Revocation Information	<u>X</u>	NA
300	List of Violations - 3 Previous Years	<u>X</u>	none

301-114	Right of Entry	<u>X</u>	Two miles West of Wellington on Ridge Road in Sec. 14, T. 15 S., R. 10 E. SLBM. 30 acres owned by COVOL Engineered Fuels, LC (Sec. 1.1.2 and 1.1.2.5)
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301-115	Status of Unsuitability Claims	<u>X</u>	zoned industrial
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301-116	Permit Term	<u>X</u>	5 years
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301-117	Insurance	<u>X</u>	App. 8-1, liability insurance for parent company, Headwaters Incorporated, covers the permitted site. No blasting coverage (and no blasting to be conducted on site 2007/Incoming/0014.pdf)
	Proof of Publication	<u>X</u>	Upon notice of completeness and prior to publication, a copy of the advertisement as it will appear must be provided to the Division prior to publication (R645-301-112.100).
	Facilities and Structures Used in Common	<u>X</u>	NA

301-118	Filing Fee	<u>X</u>	Fee is outstanding, should be collected upon determination of completeness.
301-123	Notarized Signature of Responsible Official	<u>X</u>	Notorized statement and signature of Keith Thompson, Vice President, COVOL, on C1 form (January 2008 Incoming file 0001.pdf.)
301-130	Information Collection: <b>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</b>	<u>X</u>	Per management agreement [0070045/Incoming/2007/0005.pdf], no data collected for soil survey.
301-200	Soils	<u>X</u>	Does not meet minimum requirements of R645 Rules, but meets requirements of permitting agreement. [0070045/Incoming/2007/0005.pdf]
211	Description of Pre-mining Soil Resources	<u>X</u>	Sec. 2.2 states elevation of 5,530 ft. Photographs of pre-mining resources would be of benefit in lieu of any survey information.
221	Prime Farmland Investigation	<u>X</u>	Division determined extent of investigation in accordance with R645-302-313. However, the application correctly states there is no farmland on the ridge where the site is located. Prime Farmland and Farmland of Statewide Importance was designated (by the USDA) along the Miller Creek drainage to the south and along the Price River drainage to the north [Utah Agricultural Exp. Sta. Res. Rpt. #76].
222	Soil Survey	<u>X</u>	Soil Map must indicate Map Unit 80 Persayo/Chipeta complex and Map Unit 59 Killpack Clay Loam (green line) based on 1988 Carbon County Soil Survey. Soil Map must designate elevations (the light brown and dark brown lines).
224	Substitute Topsoil Info (When Proposed)	<u>X</u>	none proposed.
230	Operation Plan <b>Topsoil Handling/Removal/Storage</b>	<u>X</u>	Section 2.3.1.4 and Sec 2.3.4.2 500 cu. yd. stockpiled in an area 5,500 sq. ft., marked seeded with grasses and forbes in Table 3-1, protected by silt fence. Date of pile construction and seeding required.

240	Reclamation Plan <b>Soil Redistribution/Stabilization</b>	<u>X</u>	Sec. 2.40 states limited replacement of soil in (unspecified) areas to industrial post mining land use and seed with mixture found in Table 3-1. Due to high clays and sodicity, grading work and chiseling when soil is dry must be indicated. Broadcast seeding as described in Sec. 3.40. Pre-disturbance photos indicate that wheat grasses, greasewood, and rabbitbrush do not belong in the seed mix.
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301-300	Biology	<u>X</u>	The application includes a section on Biology, Chapter 3.
320	Vegetation Information	<u>X</u>	The application includes a reference to vegetation that is present at the Savage Coal terminal located to the North of the current disturbed area.
322	Fish and Wildlife Information	<u>X</u>	The application includes a reference to wildlife species that are present at the Savage Coal terminal located to the North of the current disturbed area.
323	Maps/Photos <b>Vegetation-Fish-Wildlife Areas</b>	<u>X</u>	Chapter 3, section 3.2.3 addresses this section of the regulations.
330	Operation Plan <b>Vegetation-Fish-Wildlife Protection</b>	<u>X</u>	The application includes a general description of measures to protect wildlife.
341	Reclamation Plan for Revegetation	<u>X</u>	The application includes a general description of revegetation efforts based on consultation with the future landowner.
342	Fish & Wildlife Plan for Reclamation Phase	<u>X</u>	The application includes a general description of reclamation efforts based on consultation with the future landowner.

301-400	Land Use and Air Quality	<u>X</u>	June 30, 2005 DAQE-AN2952003-05 issued to COVOL Engineered Fuels, LC in App. 4-1, allows process of 1.5 million tons of coal over 12 month period. Equipment: one crusher, one screen, two hoppers, 3 air tables, 3 fabric filter baghouses treating exhaust air from air tables, covered or enclosed conveyors, telescoping discharge tubes. one 200 ton storage silo. Opacity from screens conveyor transfer and baghouse stacks to be 10%, Crushers are allowed 15% opacity. Dust control on operational areas by water sprays Haulroad paved (0.69 miles).
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411	Pre-Mining Land Use Information <b>(Includes Cultural Resources)</b>	<u>X</u>	<p>The land is zoned for industrial use, Figure 4-1 by Carbon County. According to the premining land use description in Chapter 4 Section 4.1.1.1, page 4-1, the area was undisturbed before COVOL Engineering Fuels LC began their operations.</p> <p>The application includes a general statement to the effect that no cultural resources existed in the permit area prior to construction.</p>
412	Post-Mining Land Use Information	<u>X</u>	<p>Reclamation will support industrial land use (Sec. 4.1.2.1 and Figure 4-1.) Section 4.1.3.2 indicates post mining land use as that which existed before the operation began. [photographs accompanying DOGM Inspection Rpt. #639, dated June 15, 2005 illustrate condition of land just as operation was beginning.]</p>

301-500	Engineering	<u>X</u>	
510 520	General Description of Operation Plan <b>(Maps, Locations, Cross-Sections, Narrative, Descriptions &amp; Calculations)</b>	<u>X</u>	
522	Coal Recovery Description	<u>X</u>	No coal mining will occur on the site.
523	Mining Methods	<u>X</u>	No coal mining will occur on the site.
524	Blasting and Explosives Plan	<u>X</u>	No blasting is scheduled on the site.
525	Subsidence Control Plan	<u>X</u>	No underground mining will occur.
526	Mine Facilities Description <b>(Narrative, Plans, Maps)</b> <b>Including Existing Structures &amp; Support Facilities</b>	<u>X</u>	The Permittee is permitting the site after construction therefore no pre-disturbed maps were included. Note: the contours must extend 100 feet outside the permit area.
527	Transportation Facilities <b>(Including Plans &amp; Maps)</b>	<u>X</u>	The Permittee did include cross sections for the road designs.
528	Coal Mine Waste Plans <b>(Description &amp; Designs)</b>	<u>X</u>	Applicant describes creating product out of waste in Section 5.5.2, Sec. 5.2.8.3, Sec. 5.3.6. By-Product stockpiles (#27 and #28) are shown on Plate 5-1. Details of stockpile volumes are requested. Section 5.4.2.2 and Sec. 5.5.3.2 state that coal mine waste will be "properly disposed of at an off-site location." Details of disposal location are requested.

529	Management of Mine Openings <b>(Design)</b>	<u>X</u>	No mine openings on site.
531	General Plans for Structures	<u>X</u>	
532	Sediment Control	<u>X</u>	See R645-301-700's (Hydrology Discussion)
533	Impoundments	<u>X</u>	See R645-301-700's (Hydrology Discussion)

301-534	Roads <b>(Plans, Drawings, Designs, &amp; Specifications)</b>	<u>X</u>	All roads will be classified as primary.
535	Spoil	<u>X</u>	No spoil will be generated.
536	Coal Mine Waste	<u>X</u>	No coal mine waste will be generated.
537	Regraded Slopes	<u>X</u>	NA
540 541-542	Reclamation Narrative, Maps and Plans	<u>X</u>	The Permittee did not include reclamation maps and cross sections.
551	Casing and Sealing <b>Underground Openings</b>	X	There are no underground openings on the site.
553	Backfilling and Grading Description	<u>X</u>	Site will be left for industrial development.

301-600	Geology	<u>X</u>	Geologic information is presented in Chapter 6 of the application.
621	Description of Geology <b>(Permit &amp; Adjacent Area)</b>	<u>X</u>	Page 6-3 of the application provides a discussion of the areas stratigraphy.
622	Geologic Cross-Sections, Maps, and Plans	<u>X</u>	Figure 6-1 of the application provides a map and generalized stratigraphic section of the geology of the site area.
630	Plans for Casing and Sealing Holes	<u>X</u>	According to page 6-2 of the application, no oil, gas or water wells are known to exist within a quarter mile of the permit area. In addition, according to page 7-16 of the application, there will not be any groundwater monitoring wells at the facility.

301-700	Hydrology	<u>X</u>	Hydrologic information is presented in Chapter 7 of the MRP.
721	Description of Hydrologic Resources (Permit and Adjacent Area)	<u>X</u>	Chapter 7 of the application provides a discussion of the hydrologic resources both within and adjacent to the permit area.
722	Cross-Sections and Maps Subsurface Water - Surface Water - Monitoring Stations - Wells	<u>X</u>	Figure 7-1 provides a generalized hydrostratigraphic cross-section of the area. Figure 7-2 depicts the water rights and surface water bodies located adjacent to the proposed permit area.
723	Sampling and Analysis	<u>X</u>	In accordance with the agreement between the Division and the Permittee, ground and surface water sampling was not conducted at the facility.
724	Baseline Information Ground Water - Surface Water - Geology - Climatological & Supplemental; If Needed	<u>X</u>	Beginning on page 7-4, the Permittee provides ground and surface water information for both the permit and adjacent area.
728	PHC Determination	<u>X</u>	The Permittee discusses the probable hydrologic consequences from the operation beginning on page 7-7 of the application.
730	General Operation Plan Minimize Disturbance to Hydrologic Balance & Compliance with Clean Water Act	<u>X</u>	A UPDES General Permit has been obtained and is presented in Appendix 7-2. The Permittee has also developed a Storm Water Pollution and Prevention Plan (SWPP) and provided it in the application in Appendix 7-3. The SWPP outlines the efforts the Permittee will take to insure that contaminants located at the site do not impact regional hydrologic resources.
731	Ground and Surface Water Protection	<u>X</u>	The Storm Water Pollution Prevention Plan (SWPP) outlines the ground and surface water protection measures to be implemented at the site in order to provide ground and surface water protection. In addition, the Permittee has proposed the construction of two sediment ponds at the site. The sediment ponds will allow for adequate retention time of storm water runoff, thus preventing contaminants from leaving the site.
732	Ground and Surface Water Monitoring	<u>X</u>	As part of the agreement between the Division and the Permittee, ground water will not be monitored at the site. As no streams exist within the permit or adjacent areas, only storm water will be monitored as outlined in the UPDES permit.

301-740	<b>Plans and Designs</b> <b>Operation and Reclamation Plan</b> <b>Sediment Control Measures</b>	<u>X</u>	<p>The application discusses sediment control measures and sediment pond designs beginning on page 7-12 of the application. Plate 7-2, <i>Site Watershed and Drainage Map Wellington Dry Coal Cleaning Facility</i> provides a plan view depicting the locations of the sediment ponds and sediment control structures.</p>
	Siltation Structures	<u>X</u>	<p>The Permittee proposes utilizing two sediment ponds to control sedimentation and silt laden runoff from leaving the site.</p>
	Sediment Ponds	<u>X</u>	<p>Two sediment ponds will be utilized to control storm water runoff from leaving the site. Two UPDES permits have been obtained for the discharge from each of the sediment ponds. Appendix 7-5 provides the hydrologic designs/calculations for the sediment ponds as well as the other sediment control measures to be utilized at the site.</p>
	Other Treatment Facilities	<u>X</u>	NA
	Diversions	<u>X</u>	<p>Sections 4.0 and 5.0 of Appendix 7-5 provide the design calculations for the diversion structures to be utilized at the site.</p>
	Road Drainage	<u>X</u>	<p>Road drainage is discussed on page 7-14 of the application. Road drainage facilities will include diversion ditches, culverts and containment berms. The design calculations/criteria for the road's drainage components are provided in Appendix 7-5.</p>
	Impoundments	<u>X</u>	NA
	Discharge Structures	<u>X</u>	<p>The discharge structures to be utilized at the site consist of the two spillways on the sedimentation ponds. Detailed information for each sediment pond (including their respective spillways) is provided in Sections 7.3.2.2 and 7.4.2.2 of the application.</p>
	Disposal of Excess Spoil	<u>X</u>	<p>The application states on page 7-15, "There is no excess spoil generated at the facility."</p>
	Coal Mine Waste	<u>X</u>	<p>The application states on page 7-15, "No coal mine waste is stored at the facility."</p>
	Disposal of Non-Coal Mine Waste	<u>X</u>	<p>According to page 7-16 of the application, non-coal mine waste will not be stored nor disposed of on site.</p>
	Casing and Sealing of Wells	<u>X</u>	<p>According to page 7-16 of the application, there will not be any groundwater monitoring wells at the facility.</p>

301-800	Bonding and Insurance	<u>X</u>	
820	Applicant <b>Have Adequate Bond at Permit Issuance</b>	<u>X</u>	Once permit application is approved, bond must be submitted to the Division prior to work commencing at the site.
830	Bond Estimate and Calculations Provided	<u>X</u>	
890	Certificate of Insurance Provided	<u>X</u>	Can be provided before permit issued.

302-200	Special Categories of Mining	<u>X</u>	NA
210	Experimental Practices Mining	<u>X</u>	NA
220	Mountaintop Removal Mining	<u>X</u>	NA
230	Steep Slope Mining	<u>X</u>	NA
240	Auger Mining	<u>X</u>	NA
250	In Situ Processing Activities	<u>X</u>	NA

302-260	Coal Processing Plants <b>(Not Located Within Permit Area of Mine)</b>	<u>X</u>	Permittee is requesting a SMCRA permit.
270	Variances From Approximate Original Contour Restoration Requirements	<u>X</u>	Permittee is not requesting a variance from the approximate original contour restoration requirements.
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	<u>X</u>	NA
290	Small Operator Assistance Program <b>(SOAP)</b>	<u>X</u>	Permittee is not applying for Small Operator Assistance.

302-300	Special Areas of Mining	<u>X</u>	NA
301	Prime Farmland	<u>X</u>	NA

302	Alluvial Valley Floors	<u>X</u> 1979 USDA aerial photos show an irrigation canal running through the property and agricultural land immediately to the west.
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