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State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

Michael O. Leavitt
Governor

Dianne R. Nielson, Ph.D.
Executive Director

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*cc: Bill
Mike*

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Executive Secretary

November 3, 2000

Mr. Layne Ashton
Headwaters, Inc.
11778 South Election Drive
Suite 210
Draper, Utah 84020

Dear Mr. Ashton:

Subject: Use of Latex DL 298 NA for Dust Suppression on Roads at the COVOL Wash Plant in Wellington, Utah

We thank you for contacting us regarding your use of Latex DL 298 NA for dust suppression at your wash plant located in Wellington, Utah. Based on a Material Safety Data Sheet (MSDS) and a phone conversation with Dow Chemical Company, it is apparent that the toxicity of this material is low. Therefore, we concur with use of this product provided that at no time shall any of this product directly enter waters-of-the-State (runoff containing this material should go to some type of holding or settling pond) nor shall this product be applied during runoff events. It is our understanding that the roads to which this material will be applied drain to a settling pond which has not discharged for a number of years.

If you have any questions or comments please contact Mike Herkimer at (801) 538-6058.

Sincerely,

Gayle J. Smith, P.E., Manager
Permits & Compliance Section

GJS:MH/cc

cc: Claron Bjork, Southeastern Utah Health D
Dave Ariotti, DEQ District Engineer
Pam Grubaugh-Littig, DOGM