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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0150009  
#4106  
OK

August 20, 2012

Kenneth S. Fleck, Manager of Geology and Environmental Affairs  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

Subject: Completion of Midterm Review, Task #4106, PacifiCorp, Trail Mountain Mine, C/015/0009

Dear: Mr. Fleck

On June 8, 2012 PacifiCorp was informed that the Division of Oil, Gas and Mining (the Division) had commenced a midterm permit review for the Trail Mountain Mine. The following items were reviewed:

- A. Review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) are appropriately incorporated into the Plan document.
- B. Ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. Review applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.
- E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.



- F. Evaluate the permit for compliance with variances or special permit conditions.
- G. Optional for active mines, mandatory for reclamation only sites: conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

The midterm review has now been completed and will now be closed; however, the Division has identified one item to be addressed. This item has been included with this letter (See Attached). Please submit by no later than September 20, 2012.

If you have any questions regarding these requirements or the Midterm Review process, please don't hesitate to call me at 801-538-5325 or Joe Helfrich at 801 538-5290.

Sincerely,



Daron R. Haddock  
Coal Program Manager

**Deficiency List**  
**Task No. 4106**  
**Midterm Permit Review**

The members of the review team include the following individuals:

Ingrid Campbell (IC)  
Joe Helfrich (JH)  
Suzanne Steab (SS)  
Ken Hoffman (KH)  
Pete Hess (PHH)

**R645-301-521**, Energy West applied for a permit area modification for the Trail Mountain mine on June 9, 2011 (Task 3858). This permit area modification delineated the adjacent area and the potential hydrologic impact area. The Division sent a list of deficiencies to Energy West on July 28, 2011. Energy West never responded to this list of deficiencies and the permit area was therefore not altered.

The information in the Mining and Reclamation Plan is adequate to meet the requirements for the Permit Area section of the regulations. However, the Division requests that the permittee provide an update on the status and future plans for Task 3858, Permit Area Modification. [IC]