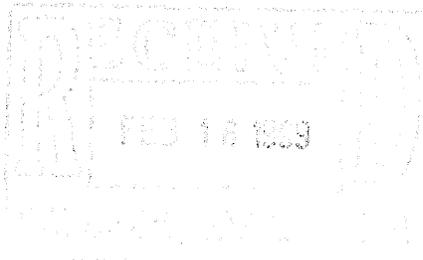




February 11, 1999

ACT 1015 / 018 #2
Joe

Utah Coal Program
Utah Division of Oil, Gas, and Mining
Price Field Office
College of Eastern Utah
457 East 400 North
Price, Utah 84501



Attn: Pete Hess, Reclamation Specialist

Re: Request for the Revision of the Deer Creek Inspection Report (Inspection Date 1-29-99)

I received your inspection report for the Deer Creek Mine last Monday (2-8-99). You indicated that Energy West Mining is using a "Hazardous Substance" underground for a roadway dust suppressant. This issue came about when Bill Malencik, on his Jan. 12 Trail Mountain inspection, found some 55 gallon barrels which were not properly labeled and were placed in an area where machinery could potentially damage them. The only labels found on the barrels were "hazard labels" which indicate their HMIS rating. The rating was 1/0/0 that reveal a slight health risk. Bill suggested that the barrels be moved to area out of the way of traffic. The barrels were promptly moved to a safe area the following day and the contents of the barrels were investigated.

It was first believed that the barrels contained a product called DUSTROL. It was later learned that the product was POLO DUSTCON. This is a similar product used as a roadway dust suppressant that is "Non-Hazardous" and is not listed under OSHA Hazard Communication Rule, CERCLA, SARA Title III Section 313 list, RCRA, CWA, or CAA. The product is, however, found on the TSCA 8(b) inventory list.

Energy West appreciates the awareness of the Division inspectors to point out problems that may exist on our site. Not having a product container labeled is problem that we will be looking at more closely in the future. Products that are needed on-site are investigated to insure that they are handled and stored properly. The barrels were recently purchased and stored temporarily at the time they were found by Bill.

\\EWMFIL01\DATA\USERS\IP70537\DCO\INSPECT\DC\1999\Revision request to jan. report.doc

Huntington Office:
(435) 687-9821

Fax (435) 687-2695

Purchasing Fax (435) 687-9092

Deer Creek Mine:

(435) 687-2317

Fax (435) 687-2285

Trail Mountain Mine:

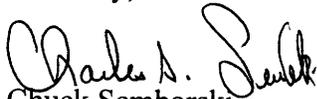
(435) 748-2140

Fax (435) 748-5125

This product is in no way a "Hazardous Substance". A copy of the product MSDS is enclosed for you records. Energy West request that the inspection report, dated 1-29-99, be revised to remove Section 9 entirely from the report.

If you have any questions or concerns regarding this request please feel free to contact me at 687-4720.

Sincerely,



Chuck Semborski
Geology/Permitting Supervisor

Encl

Cc Carl Pollastro (EWMC w/o encl)
Dennis Oakley (EWMC w/o encl)
Blake Webster (IMC w/o encl)
Joe Helfrich (DOGM w/encl)
Henry Austin (OSM w/encl)



MATERIAL SAFETY DATA SHEET

2-1-99
PRODUCT

POLO DUSTCON

I.D # 78899

Emergency Telephone Number

Medical (800) 462-5378 (24 hours)

(800) I-M-ALERT

SECTION 01 CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

TRADE NAME: POLO DUSTCON

DESCRIPTION: An organic surfactant

NFPA 704M/HMIS RATING: 1/1 HEALTH 1/1 FLAMMABILITY 0/0 REACTIVITY 0 OTHER
0=Insignificant 1=Slight 2=Moderate 3=High 4=Extreme

SECTION 02 COMPOSITION AND INFORMATION ON INGREDIENTS

Our hazard evaluation of the ingredient(s) under OSHA's Hazard Communication Rule, 29 CFR 1910.1200 has found none of the ingredient(s) hazardous.

SECTION 03 HAZARD IDENTIFICATION

NOTE: The application of this product in diluted form (typically diluted 3,000 fold) renders the product non-hazardous. The data below is for the undiluted product.

EMERGENCY OVERVIEW:

CAUTION! May cause irritation to skin and eyes. Avoid contact with skin, eyes and clothing. Do not take internally.

Empty containers may contain residual product. Do not reuse container unless properly reconditioned.

PRIMARY ROUTE(S) OF EXPOSURE: Eye, Skin

EYE CONTACT: May cause irritation with prolonged contact.

SKIN CONTACT: May cause irritation with prolonged contact.

SYMPTOMS OF EXPOSURE: A review of available data does not identify any symptoms from exposure not previously mentioned.

AGGRAVATION OF EXISTING CONDITIONS: A review of available data does not identify any worsening of existing conditions.

SECTION 04 FIRST AID INFORMATION

EYES: Immediately flush for at least 15 minutes while holding eyelids open. Call a physician.

SKIN: Wash thoroughly with soap and rinse with water. Call a physician.

INGESTION: Do not induce vomiting. Give water. Call a physician.

INHALATION: Remove to fresh air. Treat symptoms. Call a physician.



MATERIAL SAFETY DATA SHEET

PRODUCT

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SECTION 04 FIRST AID INFORMATION

(CONTINUED)

EXTINGUISHING MEDIA: Based on the NFPA guide, use dry chemical, foam, carbon dioxide or other extinguishing agent suitable for Class B fires. Use water to cool containers exposed to fire. For large fires, use water spray or fog, thoroughly drenching the burning material.

CAUTION: If unconscious, having trouble breathing or in convulsions, do not induce vomiting or give water.

SECTION 05 FIRE FIGHTING MEASURES

FLASH POINT: Greater than 200 Degrees F

EXTINGUISHING MEDIA: This product would not be expected to burn unless all the water is boiled away. The remaining organics may be ignitable. Use water to cool containers exposed to fire.

UNUSUAL FIRE AND EXPLOSION HAZARD: May evolve SO_x under fire conditions.

Containers exposed in a fire should be cooled with water to prevent vapor pressure buildup leading to a rupture.

SECTION 06 ACCIDENTAL RELEASE MEASURES

IN CASE OF TRANSPORTATION ACCIDENTS, CALL THE FOLLOWING 24-HOUR TELEPHONE NUMBER (800) I-M-ALERT or (800) 462-5378.

SPILL CONTROL AND RECOVERY:

Small liquid spills: Contain with absorbent material, such as clay, soil or any commercially available absorbent. Shovel reclaimed liquid and absorbent into recovery or salvage drums for disposal. Refer to CERCLA in Section 15.

Large liquid spills: Dike to prevent further movement and reclaim into recovery or salvage drums or tank truck for disposal. Refer to CERCLA in Section 15.

SECTION 07 HANDLING AND STORAGE

Storage : Keep container closed when not in use.



MATERIAL SAFETY DATA SHEET

PRODUCT

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SECTION 08 EXPOSURE CONTROLS AND PERSONAL PROTECTION

RESPIRATORY PROTECTION: Respiratory protection is not normally needed.

For large spills, entry into large tanks, vessels or enclosed small spaces with inadequate ventilation, a positive pressure, self-contained breathing apparatus is recommended.

VENTILATION: General ventilation is recommended.

PROTECTIVE EQUIPMENT: Use impermeable gloves and chemical splash goggles when attaching feeding equipment, doing maintenance or handling product. Examples of impermeable gloves available on the market are neoprene, nitrile, PVC, natural rubber, viton and butyl (compatibility studies have not been performed).

The availability of an eye wash fountain and safety shower is recommended.

If clothing is contaminated, remove clothing and thoroughly wash the affected area. Launder contaminated clothing before reuse.

HUMAN EXPOSURE CHARACTERIZATION: Based on Nalco's recommended product application and our recommended personal protective equipment, the potential human exposure is: MODERATE.

SECTION 09 PHYSICAL AND CHEMICAL PROPERTIES

COLOR:	Yellow/orange	
FORM:	Liquid	
DENSITY:	8.5 lbs/gal.	
SPECIFIC GRAVITY:	1.03 @ 77 Degrees F	ASTM D-1298
pH (NEAT) =	7.8	ASTM D-70
FREEZE POINT:	32 Degrees F	
FLASH POINT:	Greater than 200 Degrees F	
VOLATILE ORGANIC COMPOUND (VOC):	0.37 lbs/gal.	EPA METHOD 24

NOTE: These physical properties are typical values for this product.

SECTION 10 STABILITY AND REACTIVITY

INCOMPATIBILITY: Avoid contact with strong oxidizers (eg. chlorine, peroxides, chromates, nitric acid, perchlorates, concentrated oxygen, permanganates) which can generate heat, fires, explosions and the release of toxic fumes.

THERMAL DECOMPOSITION PRODUCTS: In the event of combustion CO, CO₂, SO_x may be formed. Do not breathe smoke or fumes. Wear suitable protective equipment.



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SECTION 11 TOXICOLOGICAL INFORMATION

TOXICITY STUDIES: No toxicity studies have been conducted on this product.

HUMAN HAZARD CHARACTERIZATION: Based on our hazard characterization, the potential human hazard is: LOW

SECTION 12 ECOLOGICAL INFORMATION

If released into the environment, see CERCLA in Section 15.

ENVIRONMENTAL HAZARD AND EXPOSURE CHARACTERIZATION: Based on our Hazard Characterization, the potential environmental hazard is: LOW.
Based on Nalco's recommended product application and the product's characteristics, the potential environmental exposure is: MODERATE.

SECTION 13 DISPOSAL CONSIDERATIONS

DISPOSAL: If this product becomes a waste, it does not meet the criteria of a hazardous waste as defined under the Resource Conservation and Recovery Act (RCRA) 40 CFR 261, since it does not have the characteristics of Subpart C, nor is it listed under Subpart D.

As a non-hazardous liquid waste, it should be solidified with stabilizing agents (such as sand, fly ash, or cement) so that no free liquid remains before disposal to an industrial waste landfill. A non-hazardous liquid waste can also be incinerated in accordance with local, state, and federal regulations.

SECTION 14 TRANSPORTATION INFORMATION

PROPER SHIPPING NAME/HAZARD CLASS MAY VARY BY PACKAGING, PROPERTIES, AND MODE OF TRANSPORTATION. TYPICAL PROPER SHIPPING NAMES FOR THIS PRODUCT ARE:

ALL TRANSPORTATION MODES : PRODUCT IS NOT REGULATED DURING TRANSPORTATION

SECTION 15 REGULATORY INFORMATION

The following regulations apply to this product.

FEDERAL REGULATIONS:



MATERIAL SAFETY DATA SHEET

PRODUCT

POLO DUSTCON

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SECTION 15 REGULATORY INFORMATION

(CONTINUED)

OSHA HAZARD COMMUNICATION RULE, 29 CFR 1910.1200:

Based on our hazard evaluation, none of the ingredients in this product are hazardous.

CERCLA/SUPERFUND, 40 CFR 117, 302:

Notification of spills of this product is not required.

SARA/SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986
(TITLE III) - SECTIONS 302, 311, 312 AND 313:

SECTION 302 - EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355):

This product does not contain ingredients listed in Appendix A and B as an Extremely Hazardous Substance.

SECTIONS 311 and 312 - MATERIAL SAFETY DATA SHEET REQUIREMENTS (40 CFR 370):
Our hazard evaluation has found that this product is not hazardous under 29 CFR 1910.1200.

Under SARA 311 and 312, the EPA has established threshold quantities for the reporting of hazardous chemicals. The current thresholds are: 500 pounds or the threshold planning quantity (TPQ), whichever is lower, for extremely hazardous substances and 10,000 pounds for all other hazardous chemicals.

SECTION 313 - LIST OF TOXIC CHEMICALS (40 CFR 372):

This product does not contain ingredients (at a level of 1% or greater) on the List of Toxic Chemicals.

TOXIC SUBSTANCES CONTROL ACT (TSCA):

The chemical ingredients in this product are on the 8(b) Inventory List (40 CFR 710).

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), 40 CFR 261 SUBPART C & D:
Consult Section 13 for RCRA classification.

FEDERAL WATER POLLUTION CONTROL ACT, CLEAN WATER ACT, 40 CFR 401.15/
formerly Sec. 307, 40 CFR 116/formerly Sec. 311:
None of the ingredients are specifically listed.

CLEAN AIR ACT, Sec. 111 (40 CFR 60), Sec. 112 (40 CFR 61, 1990 Amendments),
Sec. 611 (40 CFR 82, CLASS I and II Ozone depleting substances):
This product does not contain ingredients covered by the Clean Air Act.

STATE REGULATIONS:



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SECTION 15 REGULATORY INFORMATION

(CONTINUED)

CALIFORNIA PROPOSITION 65:

This product does not contain any chemicals which require warning under California Proposition 65.

MICHIGAN CRITICAL MATERIALS:

This product does not contain ingredients listed on the Michigan Critical Materials Register.

STATE RIGHT TO KNOW LAWS:

This product does not contain ingredients listed by State Right to Know Laws.

INTERNATIONAL REGULATIONS:

This is a WHMIS controlled product under The House of Commons of Canada Bill C-70 (Class D2B). The product contains the following substance(s), from the Ingredient Disclosure List or has been evaluated based on its toxicological properties, to contain the following hazardous ingredient(s):

Chemical Name	CAS #	% Concentration Range
D-limonene	5989-27-5	1-5

SECTION 16 OTHER INFORMATION

Nalco internal number FPCC1698

SECTION 17 RISK CHARACTERIZATION

Due to our commitment to Product Stewardship, we have evaluated the human and environmental hazards and exposures of this product. Based on our recommended use of this product, we have characterized the product's general risk. This information should provide assistance for your own risk management practices. We have evaluated our product's risk as follows:

- * The human risk is: LOW.
- * The environmental risk is: LOW.

Any use inconsistent with Nalco's recommendations may affect our risk characterization. Our sales representative will assist you to determine if your product application is consistent with our recommendations. Together we can implement an appropriate risk management process.



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SECTION 17 RISK CHARACTERIZATION

(CONTINUED)

This product material safety data sheet provides health and safety information. The product is to be used in applications consistent with our product literature. Individuals handling this product should be informed of the recommended safety precautions and should have access to this information. For any other uses, exposures should be evaluated so that appropriate handling practices and training programs can be established to insure safe workplace operations. Please consult your local sales representative for any further information.

SECTION 18 REFERENCES

Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, American Conference of Governmental Industrial Hygienists, OH.

Hazardous Substances Data Bank, National Library of Medicine, Bethesda, Maryland (CD-ROM version), Micromedex, Inc., Englewood, CO.

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man, Geneva: World Health Organization, International Agency for Research on Cancer.

Integrated Risk Information System, U.S. Environmental Protection Agency, Washington, D.C. (CD-ROM version), Micromedex, Inc., Englewood, CO.

Annual Report on Carcinogens, National Toxicology Program, U.S. Department of Health and Human Services, Public Health Service.

Title 29 Code of Federal Regulations, Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA).

Registry of Toxic Effects of Chemical Substances, National Institute for Occupational Safety and Health, Cincinnati, Ohio (CD-ROM version), Micromedex, Inc., Englewood, CO.

Shepard's Catalog of Teratogenic Agents (CD-ROM version), Micromedex, Inc., Englewood, CO.

Suspect Chemicals Sourcebook (a guide to industrial chemicals covered under major regulatory and advisory programs), Roytech Publications (a Division of Ariel Corporation), Bethesda, MD.

The Teratogen Information System, University of Washington, Seattle, Washington (CD-ROM version), Micromedex, Inc., Englewood, CO.



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SECTION 18 REFERENCES

(CONTINUED)

Information on this MSDS has changed. The changes are indicated by asterisks on the right side of only the changed sections. This is an updated MSDS as required by OSHA's Hazard Communication Rule 29 CFR 1910.1200.

PREPARED BY: William S. Utley, PhD., DABT, Manager, Product Safety
DATE CHANGED: 11/20/1998 DATE PRINTED: 01/17/1999