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ENERGY WEST Mining Co.
PO Box 310
Huntington, Utah 84528

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DIVISION OF
OIL, GAS AND MINING

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October 17, 2001

C/015/018
Incoming

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
1594 North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Utah Coal Regulatory Program
Division of Oil, Gas and Mining
451 East 400 North
Price, Utah 84501

Attention: Pamela Grubaugh-Littig
Permit Supervisor

Steve Demczak
Reclamation Specialist

Re: Water Quality Data, Stipulation #3 in the Mine Permit, PacifiCorp, Deer Creek Mine, C/015/018, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, herewith submits a response to the letter received on October 12, 2001. This letter dated October 9, 2001, required that electronic submittal of the second quarter water quality by October 19, 2001 after which enforcement action maybe taken.

PacifiCorp has been one of the main catalyst from the coal industry in cooperating with the Division in development of a comprehensive water quality database. PacifiCorp's in-house water quality database was developed in 1981 and is updated continually. Development of the Division's water quality database as been a long and arduous process. Even without the permit condition, PacifiCorp committed submitting water quality electronically when a protocol program had been developed between the testing facility and the Division. With the help of the Division's staff, the protocol program was developed and tested during the fourth quarter of 2000. As stated in the permit condition, *"PacifiCorp will submit water quality data for the Deer Creek Mine beginning with data for the second quarter of 2001 in and electronic format through the Electronic Data Input web site, http://hlunix.hl.state.ut.us/cgi-bin/appx-orm.cgi"* , PacifiCorp initiated data transfer during the fourth quarter of 2000. The protocol program allowed the permittee the ability to review the data, accept the data and electronically transfer to the Division's database. Even though the protocol program was developed in the fourth quarter of 2000, PacifiCorp still is experiencing multiple input errors.

As to whether PacifiCorp is not complying with permit condition, the permit condition states that PacifiCorp will submit water quality data for the Deer Creek Mine beginning with data for the second quarter of 2001 in an electronic format through the Electronic Data Input web site; No specific deadline is stated. During the development of the permit condition, PacifiCorp discussed its reservations with the Associate Director and staff in meeting specific deadlines due to the fact it was relying on a program developed by the Division and water testing facility. It is

PacifiCorp policy to transfer the data electronically as soon as the file is received and as long as the data is accurate. Data files from the water quality laboratory representing the second quarter samples (collected from April through June 2001) contained numerous errors. PacifiCorp did not receive the corrected data files from the laboratory until early October. Also, the water testing laboratory experienced management and staff personnel changes during this period which required training for inputting and processing of data.

In reviewing the Division's water quality database and comparing with permit requirements, as of October 18, 2001, all required samples have been submitted to the Division.

In addition, as stated in the permit, PacifiCorp is required to submit hydrologic field data along with laboratory data sheets quarterly. All required permit requirements including field data and laboratory analysis were submitted within the required time frame.

If there are any questions or concerns please call Chuck Semborski at 687-4720 or Dennis Oakley 687-4825.

Sincerely,

Charles A. Semborski
Geology and Environmental Supervisor
enclosures:

cc: Scott Child
Carl Pollastro
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