



January 20, 2004

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

*Incoming
 C/015/0018
 Task ID # 1823*

Subject: Response to Deficiencies in the Deer Creek Mine, Volume 10 Update, PacifiCorp, Deer Creek Mine, C015/018, Task ID #1770, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits responses to the deficiencies of the Deer Creek Mine, Volume 10 amendment.

Energy West received the Technical Analysis document on October 6, 2003. This document found the amendment application contained deficiencies to the Utah R645 Coal Regulations. Energy West requested an extension to respond to these deficiencies on October 31, 2003. The Division granted the request until November 17, 2003. The deficiency response document was submitted on November 11, 2003. The Division reviewed the deficiency document and found that it still contained deficiencies. The Division sent the technical analysis to Energy West on December 22, 2003.

Attached with this document are the permittee's responses to the deficiencies accompanied with amended text to the permit. Four (4) copies are attached as required along with the required C1/C2 forms for the correct placement of the amended text into the MRP.

If you have any questions or concerns regarding this document, please contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,

Charles A. Semborski
 Charles A. Semborski
 Permitting/Geology Supervisor

Enclosure: Response to Technical Analysis Deficiencies
 C1/C2 Forms

Cc: Doug Johnson (EWMC, w/o encl.)
 File

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DIV. OF OIL, GAS & MINING

File in:
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 For additional information

Huntington Office:
 (801) 687-9821
 Fax (801) 687-2695
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Deer Creek Mine:
 (801) 381-2317
 Fax (801) 381-2285

Cottonwood Mine:
 (801) 748-2319
 Fax (801) 748-2380

The following responses to deficiencies are formatted as found in the technical analysis document. They are broken down into logical section headings similar to the R645 regulations. In each section, the regulation number along with the associated deficiency is followed by the permittee's italicized response.

OPERATION PLAN

Road Systems and Other Transportation Facilities

R645-301-512.250, The professional engineer will certify the design and construction or reconstruction of primary road as meeting the requirements of R645-301-534.200 and R645-301-742.420.

The design and construction of the access road was certified by a professional engineer (Larry Guymon) in 1988 when the design was originally submitted and meets the above stated requirements of the Utah Coal Regulations. Re-certification of the access road would be required if the road was redesigned or reconstructed. Neither of these cases have occurred. What has occurred is an additional surface added to the original. This additional surface does not alter the engineering design nor does it degrade the standard for which it was designed to.

Chapter IV (Engineering Designs), Section I (Access Road) of Volume 10 describes in detail the design and specifications of the access road. The roto-milled asphalt spec has been included in this section. Exhibit 1 of this same section has also been revised to show the addition of the roto-milled asphalt surface. Maps 4-1 and 4-2 in the Maps Section show lines and grades required to construct the road. These have not changed. Therefore, it is PacifiCorp opinion that the stated Utah Coal Regulation requirements have been met without having to re-certify the design of the road.

R645-301-527.100, The permittee must classify each road.

The waste rock road is classified in Volume 2, Part 3, page 44-45 as an ancillary road. It was classified as ancillary since it is infrequently used for transporting underground development waste. A "Primary Road" classification would be considered if the road was frequently used for the transportation of coal or spoil material.

Reference has been made in Chapter II (Operation Plans), Section 1 (Structures and Facilities) in Volume 10 of the stated classification in Volume 2, Part 3. This reference is highlighted as amended text.

R645-301-527.200, R645-301-527.210, The plan must include a detailed description of each road and appropriate cross-sections.

Refer to Volume 10, Chapter IV), Section I (Access Road), and Maps 4-1 and 4-1.

Hydrologic Information

R645-301-742.110, Page 2-5 of the current permit contains a paragraph that describes the cleaning of the silt fences, but this paragraph has been omitted in the latest revision. Because silt fence is a sediment control measure, this information needs to be retained in the proposed revision.

This paragraph will be retained. Chapter II (Operation Plan) has been resubmitted in its entirety.

R645-301-742.100, The paragraph “When revegetation, as outlined in volume 10, plate 3-7, chapter 3, has met those requirements, silt fencing or other sediment control means can be removed (with DOGM approval) and vegetation will become the primary treatment method. Any erosion rills that may develop will be addressed as outlined on page 3-7, volume 10.” needs to be retained as part of the MRP.

This paragraph will be retained. Chapter II (Operation Plan) has been resubmitted in its entirety.

Maps, Plans, and Cross-Sections of Mining Operations

R645-301-741, The Permittee needs to clearly show the silt fence along the outside toe of the fill or ‘berm fill’ at the Waste Rock Site on either Drawing CM-10778-DR (Map Packet 4-5) or CM-10779-DR (Map Packet 4-6).

Map 4-4 (CM-10778-DR) has been revised to show the silt fence along the outside toe of the berm fill surrounding the Phase I area of the waste rock site. This map has been included for Division inspection and approval.

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/018

Title: Amendment to Update Volume 10, Deer Creek MRP, PacifiCorp, Deer Creek Mine, C/015/018, Task ID #1770, Emery County, Utah

Description, Include reason for application and timing required to implement:

Improved road surface at waste rock site.

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO#
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV #
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?

Explain: _____

- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Charles A. Semborski
Print Name

Charles A. Semborski Geology/Permitting Supervisor 1/23/04
Sign Name, Position, Date

Subscribed and sworn to before me this 23rd day of JANUARY, 2004

[Signature]
Notary Public

My commission Expires: 11-15, 2004

Attest: State of UTAH } ss:
County of EMERY



For Office Use Only:	Assigned Tracking Number:	Received by Oil, Gas & Mining
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Form DOGM- C1 (Revised March 12, 2002)

