

September 3, 2010

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

Subj: Response to Deficiencies to Update Volume 11, Rilda Canyon Facilities, PacifiCorp, Deer Creek Mine, C/015/0018, Emery County, Utah, Task ID #3585.

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West"), as mine operator, hereby submits deficiency responses and the updated volumes; Volume 11, Volume 11 Appendix Volume A, and Volume 11 Appendix Volume B.

Energy West originally submitted this amendment on June 30, 2010. After the Division's technical analysis of the amendment submittal, the Division found three (3) deficiencies and returned the entire submittal back to the permittee, Energy West.

Energy West has corrected or adjusted the permit submittal to address the Division's concerns (see deficiency responses below) and is re-submitting five (5) complete copies of Volume 11, Volume 11A, and Volume 11B as the following describes.

To reiterate our intentions, Energy West will be submitting this amendment to update Volume 11 in three parts and requests that each submittal receive a conditional approval by the Division. Submittals will be as follows:

Part 1 (Current Submittal) – Update Volume 11, Volume 11 Appendix Volume A, Volume 11 Appendix Volume B – text, maps, and data,

Part 2 – Update bonding calculations for the Rilda facilities (to include Chapter 800 Bonding),

Part 3 - Reduce the permit area for the Deer Creek Mine to include only those areas that are currently bonded.

Once the three submittals have been conditionally approved, the Division can give final approval for this comprehensive amendment.

Updates in this first submittal for **Volume 11** include changes in Chapters 200 Soils through 700 Hydrology. Amended maps are also included in this volume; however, only copy copy will have the PE signature. This signature signifies the design has been reviewed by a professional engineer. Once final approval has been granted, signatures for all "Clean Copy" maps will be provided.

File in: *C/0150018 Incoming*
Date: *09032010* Refer to:
 Confidential
 Shelf
 Expandable
or additional information

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DIV. OF OIL, GAS & MINING

Appendix Volume A includes two soil map updates (with PE signatures as stated above) as well as the comprehensive macro-invertebrate surveys in Rilda Creek. These surveys were performed by the Division of Wildlife Resources and a private contractor. Both surveys compliment each other and contain the same findings [construction of the Rilda facilities had no impact on water quality of the Rilda Creek]. The surveys were conducted between 2004 and 2008.

Appendix Volume B includes an updated hydrological design (Appendix B) for the facilities as they have been built. Maps for the hydrology portion of the permit (with PE signatures as stated above) are included in this appendix. The entire Appendix B was revised, therefore, Energy West requests permission to remove the existing contents and replace with the updated version of Appendix B.

The required C1/C2 forms are included with this submittal. Five (5) revised copies of Volume 11, Volume 11 Appendix Volume A, and Volume 11 Appendix Volume B are included. It is Energy West's hope that by submitting this large permit revision in three parts, the burden of review will be reduced and the revisions will be focused and organized.

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

Sincerely,



Kenneth Fleck
Geology and Environmental Affairs Manager

Enclosures C1/C2 Forms
 Deficiency Responses
 Volume 11
 Volume 11 Appendix Volume A
 Volume 11 Appendix Volume B

Deficiency Responses

The following responses to deficiencies are formatted as indicated in the Deficiency List document. They are arranged in 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.

HYDROLOGIC INFORMATION

Design Criteria and Plans – Diversions – Diversion of Perennial and Intermittent Streams and Ephemeral Streams that Drain a Watershed of at Least One Square Mile, Diversion of Miscellaneous Flows.

R645-301-742.320, 330 – Because some values for ditch and culvert lengths in Tables 6, 7, 8, and 9 in Volume 11B don't match culvert and ditch lengths shown on Map 700-2, the Permittee must assure that correct lengths have been used to calculate the slope values which were input into the ditch and culvert design calculations in Appendices 2 and 3 of Volume 11B, in particular for UD-5, DD-3, DD-4, and UC-2. As needed, revise Tables 6, 7, 8, and 9 in Volume 11B to incorporate accurate ditch and culvert lengths.

The permittee has reviewed all designed culvert and ditch lengths and slopes and have corrected those errors. For the culvert and ditch slopes found in error, the respective designs were re-run using Flowmaster®. Tables 6, 7, and 8 in Volume 11B have been revised to include correct lengths and slopes.

LAND USE AND AIR QUALITY INFORMATION

Air Quality

R645-301-422, On page 4, under Section R645-301-422, the application indicates that an air quality approval order remains outstanding for the Rilda construction. Please provide the current Approval Order number and date.

The paragraph on page 4 in Section R645-301-422 of Volume 11 was not updated. This information was inadvertently overlooked by the permittee. The said paragraph has been updated and is presented in the said section as redline/strikeout text as follows:

R645-301-420 AIR QUALITY

Air pollution control measures are described in the "Approval Order DAQE-AN0239003-02" issued by the Division of Air Quality. This order has conditions that the operator ~~has to~~ must comply with to reduce emissions that may affect the air quality. Because processing or coal transport ~~is not being done~~ will not be conducted at the ~~North~~ Rilda Canyon Portal Facilities, the controlled emissions will only include fugitive dust emissions. Those emissions will be ~~are~~ controlled by typical dust suppressant measures. The Division of Air Quality requires that the Approval Order be in place and complied with by the operator for the life of the facilities operation. Periodic inspections, by the Division of Air Quality, are conducted at the site to

verify compliance. This air quality Approval Order is filed at the Energy West Mining offices in Huntington, Utah.

Some of the dust suppressant measures typically taken are: asphalt surfaces, wetting or sweeping of surfaces, restricted speeds for vehicular traffic, limitations for travel on service roads.

All areas adjacent to roads or travelways have been ~~or will be~~ planted for revegetation. Reseeding is repeated until vegetation is adequately established. Revegetation ~~is~~ has been applied on all disturbed surfaces and regraded areas ~~as soon as season and weather permit~~.

R645-301-421 Clean Air Act

Coal mining and reclamation operations will be conducted in compliance with the requirements of the Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and any other applicable Utah or federal statutes and regulations containing air quality standards.

R645-301-422 Utah Division of Air Quality

The operator has coordinated compliance efforts with the State of Utah, Division of Air Quality. The current Approval Order (AO) issued to the operator is DAQE-AN0239003-02 and is dated June 14, 2002. Refer to R645-301-420. ~~Prior to construction, the current AO will be revised, submitted and approved by the Division of Air Quality. Upon approval, a copy of the permit will be submitted to the Division.~~

PERMITTING REQUIREMENTS

Permit Application Format and Contents

R645-301-121.200, Map 500-4 Sheet 3 of 4 refers to Map 500-3 for Cross-section locations, however Map 500-3 does not show cross-sections. Please provide cross-section locations on Map 500-3. On Map 500-4 Sheet 3 of 4 please include the dashed line in the legend.

The cross-sections have been added to Map 500-3 and the revised map inserted in R645-301-500, Engineering Maps Section.

The dashed line on Map 500-4, Sheet 3 of 4 has been added to the legend. A revised map has been inserted into R645-301-500, Engineering Maps Section.

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/0018

Title: Response to Deficiencies to Update Volume 11, Rilda Canyon Facilities, PacifiCorp, Deer Creek Mine, C/015/0018, Emery County, Utah, Task ID #3585.

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

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: <u>to be decided later</u> <input type="checkbox"/> increase <input checked="" type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6. Does the application require or include public notice publication? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies?
<i>Explain:</i> _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 21. Have reclamation costs for bonding been provided? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

Kenneth Fleck
Print Name

Kenneth S. Fleck
Sign Name, Position, Date

Manager of Environmental Affairs SEPT. 3 2010

Subscribed and sworn to before me this 3rd day of Sept., 2010

Chris M. Christensen
Notary Public

My commission Expires:

Attest: State of Utah) ss:
County of Emery



For Office Use Only:

Assigned Tracking Number:

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DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: PacifiCorp

Mine: Deer Creek

Permit Number: C/015/0018

Title: Response to Deficiencies to Update Volume 11, Rilda Canyon Facilities, PacifiCorp, Deer Creek Mine, C/015/0018, Emery County, Utah, Task ID #3585.

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Introduction Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Introduction Tab, Replace Figures A, B, and C
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Volume 11, General Tab, Remove Tab, and entire contents
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Soils Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Biology Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-300 Biology Maps Tab, Replace Maps Table of Contents cover sheet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-300 Biology Maps Tab, Replace Maps 300-1, 300-2, 300-3, 300-4, 300-5 and 300-6
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Land Use and Air Quality Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Land Use and Air Quality Tab, R645-301-400 Maps Tab, Replace Maps Table of Contents coversheet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-400 Land Use and Air Quality Maps Tab, Replace Map 400-1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Engineering Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Volume 11, Engineering Tab, Remove Appendix A
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-500 Engineering Figures Tab, Replace Figure R645-301-500c
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-500 Engineering Figures Tab, Replace Figure R645-301-500d
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-500 Engineering Maps Tab, Replace Replace Maps Table of Contents cover sheet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-500 Engineering Maps Tab, Replace maps, 500-1 (1 of 3 thru 3 of 3), 500-3, 500-4 (1 of 4 thru 4 of 4), 500-5,
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Volume 11, R645-301-500 Engineering Maps Tab, Remove maps 500-4 (5 of 5)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume 11, R645-301-500 Engineering Maps Tab, Add Rilda Facility Plans Package
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Geology Tab, Text Section, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Geology Tab, Geology Maps Tab, Replace Maps Table of Contents cover sheet
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume 11, Hydrology Tab, Add Red-line text and remove Strikeout text
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume A, Soils, Appendix C, Replace Maps 200-1 and 200-2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume A, Biology, Appendix D, Add Macroinvertebrate Comprehensive Report (2004 - 2008)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume A, Biology, Appendix D, Add Macroinvertebrate Reports 2009
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume B, Hydrology, Appendix B, Text Section, replace entire section.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume B, Hydrology, Appendix B, Figures Section, replace entire section.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume B, Hydrology, Appendix B, Tables Section, replace entire section.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Volume 11, Appendix Volume B, Hydrology, Appendix B, Appendicies Section, Add