



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WU-16J

FEB 5 2010

CERTIFIED MAIL 7001 0320 0006 0191 8147
RETURN RECEIPT REQUESTED

Jonathan C. Cherry, P.E.
General Manager
Kennecott Eagle Minerals Company
504 Spruce Street
Ishpeming, Michigan 49849

**Re: Request for Inventory and Additional Information about the Proposed
Kennecott Eagle Mine**

Dear Mr. Cherry:

Thank you for your April 28, 2009 response to our latest request for information about the mine backfill process. The purpose of this letter is to inform you that inventory information is required for the proposed Class V wells described as drilled boreholes or chutes extending from the surface, which will be used to deliver raw materials to the underground staging area for the cemented rock fill plant.

Under Title 40 of the Code of Federal Regulations (40 CFR) Section 144.3, a "well" is defined as a "bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system." Since the proposed drilled boreholes or chutes meet the definition of a "well," and the backfill materials which flow or move through the well meet the definition of a "fluid," the process has been determined to be "well injection." Pursuant to 40 CFR Section 144.11, any underground injection, except as authorized by rule or by permit issued under the Underground Injection Control program, is prohibited. Under 40 CFR Sections 144.26 and 144.83, you are required, as the owner or operator of a Class V well, to submit inventory information to the Director prior to constructing the well. We are requiring this submittal under Section 1445(a) of the Safe Drinking Water Act (42 U.S.C. § 300j-4(a)). Failure to submit inventory information may require you to obtain a permit under 40 CFR Section 144.84(b)(4). You will also be prohibited from injecting into your well until you comply with the inventory requirements.

A copy of an inventory form is enclosed for your use in providing this information. In addition to the inventory information, we require the information described in 40 CFR Section 144.83 (a)(2)(iii). This information is required in order to assist us in determining whether there is any endangerment of an underground source of drinking water and whether a permit will be required for the mine backfill process. If your response includes reference to other documents, please do not merely cite to those documents; but rather, include the relevant portions of those referenced materials in your response. This will serve to expedite our review of the information you submit.

We require both the inventory information and additional information **within 45 days** of receipt of this letter. If you have any questions, please feel free to contact Ross Micham at (312) 886-4237 or micham.ross@epa.gov or Stephen Roy at (312) 886-6556 or roy.stephen@epa.gov.

Sincerely yours,



for
Rebecca L. Harvey, Chief
Underground Injection Control Branch

Enclosure