

**Kennecott Eagle Minerals**

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**March 18, 2009**

Ms. Rebecca L. Harvey, Chief  
Mail Code: WU-16J  
Underground Injection Control Branch  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, Illinois 60604-3590

**RE: Response to EPA Letter dated March 13, 2009**

***Via Electronic Mail and Federal Express***

Dear Ms. Harvey:

I am in receipt of your letter dated March 13, 2009. While we will be meeting with you on Thursday, March 19, I wanted to respond in writing to you with regard to your statements that Kennecott Eagle Minerals Company had failed to respond to your prior requests for information concerning proposed mine backfill at the Eagle Mine. Your letter does not take into account the fact that in our meeting on January 16, 2007, it was agreed that the requested information would not be necessary for the backfill stage of the operation. Indeed, because of statements made by EPA at the beginning of the meeting, no discussion was held on the proposed mine backfill. We have proceeded for the last two years with that understanding. My letter of February 7, 2007 to Ms. Jodi Traub that contained the inventory sheets for the two structures we were requested to supply, makes that understanding clear. Your letter of March 13, 2009 is the first indication since our 2007 meeting that the Agency's position has changed. We have acted in good faith in reliance on the statements made by EPA in January 2007.

We will provide a response to your recent letter within the time frame requested. We look forward to our discussions on Thursday.

Sincerely,



Jonathan C. Cherry  
General Manager

cc: Tinka Hyde  
Steve Roy  
Eugene E. Smary