

STEVEN L. BESHEAR
GOVERNOR



LEONARD K. PETERS
SECRETARY

ENERGY AND ENVIRONMENT CABINET

**OFFICE OF THE SECRETARY
500 MERO STREET
12TH FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KY 40601
TELEPHONE: (502) 564-3350
FACSIMILE: (502) 564-3354
www.eec.ky.gov**

December 2, 2014

Ms. Mary V. Cromer
Appalachian Citizens' Law Center
317 Main Street
Whitesburg, Ky 41858

Dear Ms. Cromer:

Pursuant to KRS 61.872, this is the response of the Energy and Environment Cabinet, Department for Environmental Protection (DEP), to your November 25, 2014 email revising your November 17, 2014 open records request.

DEP has no records to provide you in response to your request for agency records generated between April 16, 2014 and November 17, 2014. The phrase "internal compliance review" that was used in the November 17, 2014 press release is a term used to describe the primary function of staff in the Compliance and Operations Branch of the Division of Enforcement (DENF) within DEP; it is DENF's responsibility to examine the records and actions of companies throughout Kentucky to determine whether they are in or out of compliance with our statutes and regulations. The phrase does not encompass a specific period of time with dates certain for beginning and ending the compliance process, but it is used within DENF to refer to any ongoing review. With respect to Frasure Creek, our compliance review is ongoing and underway at this time, but it has not progressed to the point where NOV's have been issued or referrals for enforcement action have been generated.

I hope this clarification has been beneficial. If you need to discuss further, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Michael Haines".

C. Michael Haines
General Counsel

cc: Lauren H. Waterworth