

August 11, 1978

Mr. Duane Wise
Braztah Corporation
P.O. Box 599
Helper, Utah 84526

Re: Waiver for the alleged retro-
active effect of Section 40-8-7,
Utah Code Annotated, as amended.

Dear Mr. Wise,

Braztah Complex

Enclosed you will find a copy of a letter dated August 4, 1978, which was transmitted from the Regional Solicitor in Denver to this office.

Essentially it states the reasons why the State of Utah, in the opinion of Solicitor, cannot enforce the new State Regulations for Coal Mining and Reclamation Plans which were previously approved by the Division.

This letter is a request to achieve your cooperation in overcoming this obstacle.

A waiver form is enclosed which the Division asks you to fill out, thus waiving the alleged retro-active effect of Section 40-8-7, Utah Code Annotated, as amended. The completion of the enclosed waiver is being sought from all coal operators who had been previously approved under the Utah Mined Land Reclamation Act and applicable Rules and Regulations.

Should a waiver of the previously stated section of the law not be received from each operation, the Office of Surface Mining will implement its own regulation program in the State of Utah until a regulation change can be made in the Utah Law.

I ask your cooperation in this effort so that the initial program regulation authority remain with the State of Utah.

The 24th of August 1978, has been set as the deadline for the return of the enclosed waiver in its completed form. Please respond by this date.

Very truly yours,

RONALD W. DANIELS
COORDINATOR OF MINED LAND DEVELOPMENT

RWD/sp
enc.