

ACT/015/002

0002

August 11, 1978

Mr. Geoffrey C. Benedict  
Western States Coal Corp.  
7475 West 5th Avenue  
Lakewood, CO 80226

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

Dear Mr. Benedict,

**Dog Valley Mine**

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.

WAIVER

The \_\_\_\_\_ Company hereby agrees to waive any alleged retroactive effect which might be asserted under Sec. 40-8-7 Utah Code Annotated, 1953, with respect to the special Rules and Regulations adopted by the Division of Oil, Gas & Mining on May 25, 1978 covering coal mining and reclamation operations in the state of Utah insofar as said rules and regulations apply to coal mining and reclamation plans submitted by us and approved by the Board and Division of Oil, Gas & Mining prior to May 25, 1978.

By granting this waiver \_\_\_\_\_ Company in no way waives its right to at any time in the future to challenge the authority of the Board or the Division of Oil, Gas & Mining or any other regulatory agency to enforce the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87.

By \_\_\_\_\_