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NATURAL RESOURCES

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STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
1588 West North Temple
Salt Lake City, Utah 84116
(801) 533-5771

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September 24, 1979

Mr. John Danio
Western States Minerals Corp.
7475 West 5th Avenue
Lakewood, Colorado 80226

RE: J.B. King Mine
ACT/015/002

Dear Mr. Danio:

For those mines which have not upgraded their monitoring plans to comply with the permanent program, modification of the federal rules for the Interim Program have caused a change in the reporting schedule for water quality results. Those mines which have upgraded their monitoring programs should maintain the same schedules.

On June 22, 1979, the Office of Surface Mining (O.S.M.) modified its regulations requiring reporting of water quality information by surface and underground coal mines during the Initial Regulatory Program (Federal Register, Volume 22, No. 122, pages 36886-87). These modifications have been made to the rules (30 CFR 715.17 and 717.17) to make reporting time period requirements more consistent with similar requirements of the Environmental Protection Agency and to eliminate the filing of duplicate reports.

More specifically, the modified rules allow for two alternative reporting periods for sample measurements of discharges to surface waters. As one alternative, reports are to be made to the regulatory authority by the discharger within 60 days of the end of each 60-day sample collection period. (If the mining activity involves Federal coal, the regulatory authority includes the State and O.S.M.).

A second acceptable method is reporting through compliance with equivalent time period reporting requirements under the NPDES permit system of the Clean Water Act. Use of the second alternative is conditioned upon the discharges being subject to NPDES requirements. It should be noted that compliance with the second alternative may be achieved by either filing the NPDES reporting form with the regulatory authority, or by identifying the State or Federal government official with whom the NPDES reporting form was filed.

I should emphasize that the regulations require that in all cases in which analytical results of samples indicate a violation of a permit condition or applicable standard, the operator shall notify the regulatory authority immediately. I should also note that when the Permanent Regulatory Program becomes effective, the reporting requirements of 30 CFR 816.52 and 817.52 will apply.

If questions should arise with respect to these reporting requirements, please contact Thomas Suchoski on my staff. Thank you for your cooperation.

Sincerely,

Ronald W. Daniels

RONALD W. DANIELS
COORDINATOR OF MINED LAND DEVELOPMENT

RWD/te