

*Incoming
c/0.15/0025*

0020

From: Jim Smith
To: OGMCOAL
Date: 5/23/2008 3:58 PM
Subject: Fwd: Re: Bear Baseline
Place: OGMCOAL

>>> Melissa Reynolds <cwmining@etv.net> 5/23/2008 3:55 PM >>>
Jim,

We greatly appreciate the position you are taking, and we plan on continuing to collect the complete current list of baseline until we do hear the final word from you. The statements we have made do not mean that we will not continue to collect additional parameters on some of the old sites, we may want to in order to have additional data in case of disputes. We are just saying that we will collect them at our discretion.

PS: Melissa always writes the nice stuff and that Mark writes the controversial stuff, and stuff with threatening or contentional undertones.

Mark and Melissa

Jim Smith wrote:

> Mark and Melissa,
>

> I basically agree with what you say about the older baseline data: data collected back in the 90's are what they are and the Division cannot retroactively apply current standards. The MRP calls for X amount of baseline data - including specified older data, and it appears COOP has provided it for some sites and is in the process of providing it for the others. I don't really see a problem; I'm just not at the point right now to jump ahead and make an "Official" finding for the Division that baseline requirements have been met at certain older sites.

> Five (CK-1, CK-2, FC-2, SCC-2, and SBC-18) out of the ten older sites you listed in your 20 May, 2008 e-mail are included in the eleven involved in the NOV. In addition to baseline data collected in 1991 through 1997, baseline monitoring was done at all ten sites from May 2007 through Oct 2007, but some parameters were missed in the October analyses. I thought COOP made a commitment to collect an additional year of baseline at these older sites but so far I have been unable to find it in the MRP (was this baseline data collection tied to USFS concerns rather than the MRP?), so there may be a basis for saying ammonia was really not required at CK-1, CK-2, FC-2, SCC-2, and SBC-18; however, COOP determined baseline parameters at these older sites for the previous samplings in 2007 and all the baseline parameters except ammonia in October 2007, so it appears that it was also COOP's understanding that baseline data collection was to be done at these sites.

> COOP has clearly committed in Tables 7-14A and 7-14B to monitor the other six sites (SBC-22, SBC-16A, SBC-16B, MH-2, FC-4, and FC-3) for baseline parameters for three years beginning in May 2007 and to sample SBC-9A for lead (MRP p. 7-49 and Table 7-13).

>
> JIM

>>>> Melissa Reynolds <cwmining@etv.net> 5/22/2008 4:11 PM >>>>
>>>>

> Jim,

> The baseline parameters sampled for were the same as the baseline parameters for almost all of the pre fed lease addition existing sites such as SBC-15 and SBC-16. Back when the baselines were collected the commitments in the MRP for parameters were different then what they are now.

> The current MRP commitments are not what is important when determining whether they qualify for baseline or not, but what is actually required by law is what should be used to determine if they qualify for baseline.

> Mark

> Jim Smith wrote:

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>> Melissa,
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>> Sorry for being so slow getting back to you on this. This isn't a final response, but I didn't want to put of answering your e-mail any longer.
>>
>> I've only have had time for a brief look at the data at these sites. There are several things both COOP and the Division need to look at in determining if there are adequate baseline data at these sites to change their status to operation parameters only. Have you confirmed that all those older ones were really analyzed for baseline parameters? From my brief examination, it seems that at least some of the older analyses don't include all the baseline parameters; I'll take a closer look, but it will be a while before I get the time to do that.
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>> JIM
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>>>> Melissa Reynolds <cwmining@etv.net> 5/20/2008 12:52 PM >>>
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>> Jim,
>> Below I have typed the names and dates of the sites that have been
>> baseline tested for 3years and now they should qualify to be operational
>> sites now. the dates i got off of the water monitoring site. if the site
>> has more then one name i put the DBA name next to the name that we are
>> currently using.
>> Thanks,
>> Melissa
>>
>> _CK-1_
>> 06/09/94
>> 10/28/94
>> 07/09/95
>> 10/18/95
>> 07/16/96
>> 10/15/96
>> 06/25/97
>> 09/11/97
>> 10/21/97
>> 05/30/07
>> 07/09/07
>> 07/22/07
>> 08/26/07
>> 09/20/07
>>
>>
>> _CK-2_
>> 06/09/94
>> 10/28/94
>> 07/09/94
>> 10/18/95
>> 07/16/96
>> 10/15/96
>> 06/25/97
>> 09/10/97
>> 10/20/97
>> 05/30/07
>> 07/09/07
>> 07/22/07
>> 08/26/07
>> 09/20/07
>>
>>
>> _FC-2_
>> 07/31/91

- >> 06/09/94
- >> 10/27/94
- >> 07/10/95
- >> 10/18/95
- >> 07/16/96
- >> 10/15/96
- >> 05/30/07
- >> 07/18/07
- >> 08/26/07
- >>
- >>
- >> _SBC-18
- >> _03/22/93
- >> 06/24/93
- >> 08/15/93
- >> 03/30/94
- >> 05/30/94
- >> 08/30/94
- >> 10/31/94
- >> 06/25/97
- >> 09/10/97
- >> 10/20/97
- >> 05/28/07
- >> 07/16/07
- >> 08/20/07
- >>
- >>
- >> _SBC-20 (16-8-18-4)_
- >> 06/08/94
- >> 10/15/94
- >> 07/09/95
- >> 10/18/95
- >> 07/18/96
- >> 10/15/96
- >> 06/24/97
- >> 09/10/94
- >> 10/20/97
- >> 05/28/07
- >> 07/16/07
- >> 08/22/07
- >>
- >>
- >>
- >> _SBC-23 (FBC-12)
- >> _03/22/93
- >> 06/29/93
- >> 08/29/93
- >> 10/15/93
- >> 03/30/94
- >> 06/15/94
- >> 08/29/94
- >> 10/30/94
- >> 06/25/97
- >> 09/10/97
- >> 10/15/97
- >> 05/30/07
- >> 07/16/07
- >> 08/22/07
- >>
- >>
- >>
- >> _SCC-1 (16-8-20-10)_
- >> 06/8/94
- >> 10/28/94
- >> 07/10/95
- >> 10/18/95
- >> 07/19/96
- >> 10/15/96

