



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310

625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102



RECEIVED
JUL 02 1990

In Reply Refer To:

June 29, 1990

DIVISION OF
OIL, GAS & MINING

CERTIFIED MAIL RECEIPT NO.: P 965 798 910

Permit: 007/001 #5
Mine Name: Belina

Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies a violation that is considered to have existed at the time of the previous State complete inspection but had not been cited.

Date of Federal Inspection: 06/20/90; Date of LSCI: 04/12/90

The determination that the State did not cite the violations is based on one or more of the following reasons:

- The condition was identified in a State inspection report but no State enforcement action was taken.
- Design criteria or required certification has not been met for a structure in existence as of the last complete inspection (sediment pond, excess spoil fill, etc.).
- Necessary controls that were required at the time of the last complete State inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).
- Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last complete State inspection.
- Other (give explanation). Annual Report - Haul Road Monitoring.

Although the violation was abated during a joint inspection, OSM believes that the violation was evident during the last complete inspection.

Indicate below the Division's reason(s) for not citing the alleged violations.

- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature James P. Braxton

Date 7-16

Please return your signed and dated response to the Albuquerque Field Office at your earliest convenience.

Sincerely,


 John C. Kathmann, Chief
 Inspection and Enforcement Branch

Enclosure