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Orig: mine file  
cc AFD - S. Rothman



# United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310  
625 SILVER AVENUE, S.W.  
ALBUQUERQUE, NEW MEXICO 87102



In Reply Refer To:

March 14, 1991

Permit: ACT/007/007  
Mine Name: Sunnyside

Mr. Lowell P. Eraxton  
Associate Director, Mining  
Division of Oil, Gas and Mining  
Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

**RECEIVED**

MAR 18 1991

**DIVISION OF  
OIL GAS & MINING**

Dear Mr. Eraxton:

Federal Ten-Day Notice 91-02-244-3 is being issued for violations that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 02/22/91; Date of LSCI: 01/25/91

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.

  X   Design criteria or required certification has not been met for a structure in existence as of the last State complete inspection (sediment pond, excess spoil fill, etc.). TDN violations 4 of 6, 5 of 6, and 6 of 6.

       Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.)

  X   Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last State complete inspection. TDN violations 2 of 6 and 3 of 6.

       Other (Give explanation).

Mr. Lowell P. Braxton

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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 Lowell P. Braxton

Date 4-5-91

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

Sincerely,

*Steph G. Rathbun for SH*

Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure



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CL AFD S. Radhlm



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Associate Director, Mining  
Division of Oil, Gas and Mining  
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355 West North Temple  
Salt Lake City, UT 84180-1203

**RECEIVED**

MAR 18 1991

DIVISION OF  
OIL GAS & MINING

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 02/22/91; Date of LSCI: 01/25/91

The determination that the State did not cite the violation(s) 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 State complete inspection (sediment pond, excess spoil fill, etc.).

Necessary controls that were required at the time of the last State complete inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.). State NOV No. 91-32-21 drainage control on coarse refuse pile.

\_\_\_\_\_ Site conditions indicate that the violation(s) noted had been in existence at the time of, or prior to, the last State complete inspection.

\_\_\_\_\_ Other (give explanation).

Mr. Lowell P. Braxton

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Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last State complete inspection.

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

Not a violation *see previous page diversion ditches, etc*

Precluded by State policy

Not included under State program

Warning given in Lieu of a Citation

Violation not recognized (missed) *Violation 91-32-2-1*

Practice allowed under approved permit

Too minor to cite

Working with operator to correct

Other: \_\_\_\_\_

Signature *L.P. Braxton*

Date *4-5*

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

Sincerely,

*Stephen G. Rathbun*

Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure

Lowell:

TDN 91-02-244-3 I would check "Not a violation", for TDN violations 4,5, & 6 of 6 as well as "Not a violation" for violations 2 & 3 of 6. The basis is your response letter dated March 14, 1991.

Letter #2. The information on page 1, referenced in ( ), diversion ditches, sediment ponds, topsoil protection, signs and markers, etc., are "Not a violation". We would agree, however, that State NOV #N91-32-2-1 did exist at the time of a last State complete inspection. Therefore on page 2 the recommendation would be "The violation not recognized (missed)".