



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310

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

NOV 18 1987

*orig memo filed
cc L. Boston*



In Reply Refer To:

4480
SFP

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180

Re: Hiawatha Mine, T87-02-006-005

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSMRE), has reviewed Utah's Division of Oil, Gas and Mining's (DOG M) second response to Ten-Day Notice 87-02-006-005. Following is our determination:

The Division's amended response to violation 4 of 10 is appropriate. Because the silt fence has been replaced and its adequacy field-verified, the violation no longer exists.

The Division's amended response to violation 6 of 10 remains inappropriate. Exhibits VII-6, -9, -10, and -11 are certified designs (although indicated as "as-built") while exhibits VII-4, -5, -7, and -8 are not certified designs nor after-construction certifications. The ponds still require after-construction certification statements as required by UMC 817.46(r) and 817.49(h).

The Division's amended response to violation 8 of 10 is appropriate. The permit, regulations, and DOGM guidelines require quarterly reporting of surface-water monitoring data, but there exists confusion over implementation of the policy. DOGM needs to reinforce the quarterly reporting requirements to all operators because this is a recurring problem.

In summary, DOGM's responses to violations 3, 6, 9, and 10 of 10 remain inappropriate; thus, OSMRE may re-inspect the operation. Please address any questions concerning this determination to Stephen Rathbun, Supervisory Reclamation Specialist, at (505) 766-1486.

Sincerely,

ACTING FOR

Robert H. Hagen, Director
Albuquerque Field Office

RECEIVED
NOV 24 1987

DIVISION OF
OIL, GAS & MINING