



United States Department of the Interior

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



SEP 15 1988

In Reply Refer To:

4480
SFP

Dr. Dianne R. Nielson
Division of Oil, Gas and Mining
Department of Natural Resources
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

Re: Ten-Day Notice 88-02-116-3, Hiawatha Complex

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office (AFO) has received the Division of Oil, Gas and Mining's (DOGM) response to the above-referenced Ten-Day Notice (TDN).

In order for AFO to determine the appropriateness of DOGM's response to violation 1 of 1, we need clarification of the following: "The operator will submit plans to have the areas cited in the TDN included in the permit as small area exemptions." Please elaborate on whether DOGM has: (a) Required interim steps where necessary and consistent with the approved permit to minimize any potential environmental harm until permit revision can be approved; (b) a good faith application for the required revision has been received from the permittee, and a specific timeframe for an approval decision has been established in accordance with UMC 788.12(c); or (c) the permittee has been notified in writing in accordance with UMC 788.11(b) that a revision is required within a reasonable time, and a specific timeframe for an approval decision has been established in accordance with UMC 788.12(c).

As indicated in the AFO Minesite Evaluation Inspection Report dated August 24, 1988, the permittee was notified of the Ten-Day Notice issuance by telephone on August 25, 1988. This notification falls within DOGM's 5 working days policy noted in your response.

If you wish to discuss this matter further, please contact me at (505) 766-1486.

Sincerely,

Robert H. Hagen, Director
Albuquerque Field Office