



United States Department of the Interior

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

July 20, 1989

In Reply Refer To:

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DIVISION OF
OIL, GAS & MINING

Dr. Dianne R. Nielson, Director
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 88-02-116-2, Hiawatha Complex

Dear Dr. Nielson:

The following is a written finding in accordance with 30 CFR 842.11 regarding the Division of Oil, Gas and Mining's (DOGM) response to the above-referenced Ten-Day Notice (TDN):

On August 18, 1988, the Albuquerque Field Office (AFO) conducted a random sample inspection of the Hiawatha Mine. The inspection resulted in the issuance of the TDN referenced above. The TDN included three parts: Part 1 of the TDN addressed the operator's failure to submit a subsidence control plan; part 2 addressed the operator's failure to construct surface-water runoff diversions in accordance with the regulations; and part 3 addressed the operator's failure to certify a sediment pond. DOGM identified the problems as permit defects which would be handled pursuant to OSMRE Directive INE-27 and the "reasonable time policy."

DOGM's response to the TDN and others issued in August 1988 were under review by AFO and Western Field Operations-Denver (WFO-D) regarding the issue of what constitutes "reasonable time" to correct permit deficiencies in accordance with OSMRE Directive INE-27. An agreement was ultimately reached between all parties that DOGM would complete its review of revisions submitted to correct permit deficiencies and render a decision within 90 days of the identification of the deficiency. Limited circumstances for which more than 90 days may be required to render a decision have been incorporated in the policy document.

AFO recently completed a review dated June 12, 1989, of the Hiawatha Mines Complex Mid-Permit Term document with permit amendments. The review confirmed that the permit deficiencies described by the TDN have been included in the approved permit.

KS *orig memo file*
cc L Brantton
S Lerner

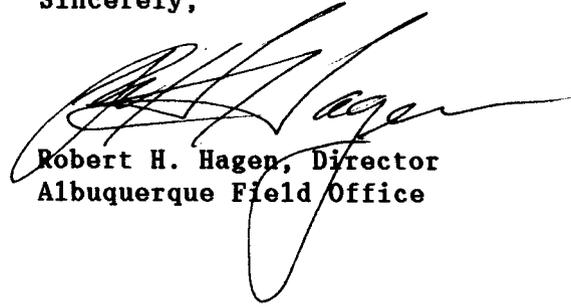
Dr. Dianne R. Nielson

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AFO, therefore, finds DOGM's response to the TDN appropriate. Now that the "reasonable time" policy is in place, DOGM should process revisions of this nature in a more timely manner.

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. H. Hagen", written over the typed name and title.

Robert H. Hagen, Director
Albuquerque Field Office