

0030

orig: S. Rethken, AFO
cc: mine file



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:

RECEIVED

August 29, 1991

SEP 03 1991

DIVISION OF
OIL GAS & MINING

Permit: ACT-007-011
Mine Name: Hiawatha

Mr. Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
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 last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 8/22/91; Date of LSCI: 7/30/91

The determination that the State did not cite the violation 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.).

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).

Although the violation was cited by the State, OSM believes that the violation was evident during the last State complete inspection.

Mr. Lowell P. Braxton

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The most recent SAE Amendment for Hiawatha Mine was approved by DOGM on June 3, 1991, and did not include the area cited. This SAE approval was prior to the LSCI and was submitted to include all SAE's on the permit area. This finding is for NOV 91-39-7-2, violation 1 of 2.

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

- 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 12-12-91

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

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure

DOGM issued N-91-39-7-2 #1/2. This issue was overlooked by OSM on previous oversight inspections (7-30, 87; 8-18, 88; 9-17-89). OSM and DOGM agreed not to count "mistaken-miss" issues in LSCI statistics. The Division's issuance of the above-cited violation has rectified the problem.

LPS