

0027

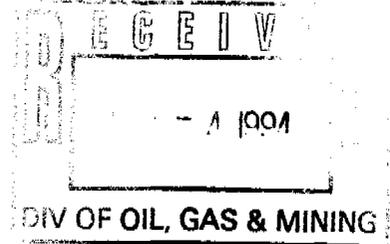
*Copy Recd.
cc JAC
JTB
-R
JFO
11-1-94
Ogden Field*



United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
Suite 1200
505 Marquette Avenue N.W.
Albuquerque, New Mexico 87102

November 1, 1994



CERTIFIED RETURN RECEIPT # P 079 749 505

Mr. James W. Carter, Director
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180-1203

Re: Response to Ten Day Notice (TDN) X94-020-179-004 TV2, Hiawatha Mine,
U.S. Fuel Company, ACT/007/011, Carbon County, Utah

Dear Mr. Carter:

The Division of Oil, Gas and Mining's (DOGM) response to the above-referenced TDN was received in this office on October 24, 1994, and in accordance with 30 CFR 842.11, the following is a written finding regarding that response.

Part 1 of 2 of the TDN addresses the permittee's failure to bond all disturbed areas around the railroad siding where screening and loading of slurry/coal is being conducted. DOGM's response was to issue Notice of Violation N94-41-7-1 to require the U. S. Fuel Company to submit bond calculations and bond for this disturbance. The Albuquerque Field Office (AFO) finds this response appropriate at this time. However, AFO will continue to monitor the implementation of your actions that formed the basis for determining your response to be appropriate.

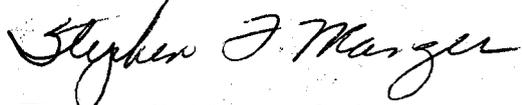
Part 2 of 2 of the TDN was issued to address the failure to design and certify drainage control structures which were constructed around topsoil stockpiles. DOGM contends that these berms were approved for the purpose of containing stored topsoil and not to function as sediment control structures or impoundments and, therefore, do not need to be designed and certified. AFO finds this response acceptable for Part 2 of 2 of the TDN as it is written but also recognizes that now there is no drainage control, approved in accordance with the Utah program, for these disturbed areas (topsoil stockpiles). Therefore, please find enclosed TDN X94-020-179-005 addressing this violation.

Mr. James W. Carter

2

If you have any questions regarding this matter, please contact Stephen G. Rathbun at 505-766-1486.

Sincerely,



for Thomas E. Ehmett, Acting Director
Albuquerque Field Office

Enclosure