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United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
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ALBUQUERQUE, NEW MEXICO 87102

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TAKE PRIDE IN AMERICA

JUN 29 1988

In Reply Refer To:

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TDN

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

RECEIVED  
JUL 1 1988

DIVISION OF  
OIL, GAS & MINING

Re: Gordon Creek Nos. 2 and 7, TDN No. 88-02-107-2

Dear Dr. Nielson:

The Albuquerque Field Office (AFO) received the Division's second response to the above Ten-Day Notice on June 24, 1988. After reviewing both responses, AFO makes the following findings:

Violation No. 1 - AFO will withdraw this alleged violation for combination spillways and process it as a program implementation issue because of what appears to be different interpretations of the standard. AFO will conduct a case-by-case technical review of each situation and inform you of necessary action.

Violation No. 2 - The requirement to inspect sediment ponds is clearly defined in UMC 817.46(t). The Division has verified the lack of inspections at the two ponds in question. The Division's response to notify the operator to begin monitoring does not address the operator's failure to inspect these ponds in the past. The Division's response to this violation is found to be inappropriate.

Lowell Braxton (of your staff) was notified orally, on June 22, 1988, that AFO had found the Division's response to this violation to be inappropriate. A follow-up Federal inspection was conducted, and Federal Notice of Violation No. 88-2-1-7-1 was issued.

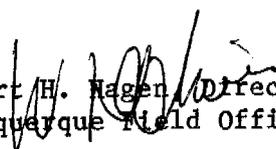
Dr. Dianne R. Nielson

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Violation No. 3 - The Division has responded with information indicating the necessary findings on buffer zone activities have been addressed in the permits. The Division's response is appropriate.

If you have any questions, please contact Stephen Rathbun at (505) 766-1486.

Sincerely,

  
Robert H. Nagen, Director  
Albuquerque Field Office