



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:

CERTIFIED MAIL

RECEIPT NO.: P 965 798 905

RECEIVED
June 1, 1990
JUN 04 1990

Mr. Lowell Braxton
355 West North Temple
3 Triad Center, Suite 350
Salt Lake, City, UT 84180-1203

Permit: ACT/007/018
Mine Name: Soldier Canyon

DIVISION OF
COAL, GAS & MINING

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies violations that are considered to have existed at the time of the previous State complete inspection but had not been cited.

Date of Federal Inspection: 5/15/90; Date of LSCI: 5/7/90

The determination that the State did not cite the violations 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 complete inspection (sediment pond, excess spoil fill, etc.).
- Necessary controls that were required at the time of the last complete State inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.).
- Site conditions indicate that the violations noted had been in existence at the time of, or prior to, the last complete State inspection.
- Other (give explanation).**

Although the violations were cited by the State, or were abated during a joint inspection, OSM believes that the violations were evident during the last complete inspection.

** Daily blasting records reviewed during the inspection, and subsequent confirmation through the Utah Industrial Commission (Ron Parkin), indicated that the blaster in charge was not certified and that this violation was in existence prior to the last complete State inspection.

Mr. Lowell Braxton

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

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

x

Other: _____

Signature James P. Braxton

Date 7-16-90

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

Sincerely,

John C. Kathmann

John C. Kathmann, Chief
Inspection and Enforcement Branch

Enclosure

x state violator missed in previous inspection, but discovered by DDC.M, Not OSM in the 5-15-90 oversight inspection.

