



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310

625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

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FEB 22 1988

DIVISION OF
OIL, GAS & MINING

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180

Re: Ten-Day Notice 87-02-006-012, C.V. Spur Mine, ACT/007/022

Dear Dr. Nielson:

This letter addresses the final disposition of violation Nos. 5 and 7 contained in the above Ten-Day Notice (TDN). Violation No. 5 dealt with the operator's failure to post sediment pond clean-out markers as required by the permit. The Division's approval (January 22, 1988) of a permit revision deleting the marker requirement brings field conditions into compliance with the approved permit. The Division's actions in this matter, while negating the need for a follow-up Federal inspection, have not met the criteria for an appropriate response as set forth in Directive INE-27. The Division's response to violation No. 5, therefore, will be considered inappropriate for oversight purposes.

Violation No. 7 was issued for crushed culverts and failure to provide culvert inlet/outlet protection. The Division's response stated that the operator had repaired and provided the required protection for the culverts. The Division did not indicate, however, that the measures taken by the operator had been field-verified as being adequate. The Division's response was, therefore, found to be initially inappropriate. Subsequent Division inspection reports (November 1987) have verified that the operator's actions adequately addressed the concerns of the TDN. Based on the above, the Division's response to violation No. 7 will now be considered appropriate.

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

Sincerely,

Robert H. Hagen, Director
Albuquerque Field Office



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