

0009

orig: OSM-Alleg. Attn S. Rathin

mine file #5
LPB
PFO



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:

June 22, 1989

Permit: 007/034
Mine Name: Banning Siding

Mr. Lowell P. Braxton, Administrator
Mineral Resources Development and Reclamation Program
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, UT 84180-1203

RECEIVED
JUN 26 1989

DIVISION OF
OIL, GAS & MINING

Dear Mr. Braxton:

Federal Ten-Day Notice 89-02-107-4(2) is being issued for a violation that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: June 13, 1989; Date of LSCI: March 14, 1989

The determination that the State did not cite the violation(s) 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 violation(s) noted had been in existence at the time of, or prior to, the last complete State inspection.

___ Other (Give explanation).

Mr. Lowell P. Braxton

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

- Not a violation #1 of 2 (materials were on mine site at time of inspection, CO. rep could not locate)
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed) #2 of 2 Test plots only
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature L.P.B. retd

Date 7-8-69

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

Sincerely,

Henry P. Austin
(602)

Stephen G. Rathbun
Supervisory Reclamation Specialist

* Still trying to determine if eolian deposited coal is a violation of state program.

L.P.B.

7-9-69