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# United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
SUITE 310

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

September 3, 1992



In Reply Refer To:

CERTIFIED MAIL RECEIPT NO.: P 965 799 235

Permit: ACT/007/034

Mine Name: Banning Loadout

Mr. Lowell P. Braxton  
Associate Director, Mining  
Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, UT 84180-1203

RECEIVED

SEP 08 1992

DIVISION OF  
OIL GAS & MINING

Dear Mr. Braxton:

The enclosed Office of Surface Mining Reclamation and Enforcement (OSM) inspection report identifies a violation that is considered to have existed at the time of the last State complete inspection (LSCI) but had not been cited.

Date of Federal Inspection: 8/26/92 ; Date of LSCI: 7/7/92

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 State complete inspection (sediment pond, excess spoil fill, etc.).
- \*  Necessary controls that were required at the time of the last State complete 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 State complete inspection.
- Other (give explanation).

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

\* *Perimeter Markers*

Mr. Lowell Braxton

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

- 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
- Other: Lowell P Braxton

Signature Lowell P Braxton

Date 9/8/92

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

Sincerely,

*Henry P. Austin*  
for: Stephen G. Rathbun, Chief  
Inspection and Enforcement Branch

Enclosure