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United States Department of the Interior



OFFICE OF SURFACE MINING
Reclamation and Enforcement
Suite 1200
505 Marquette Avenue N.W.
Albuquerque, New Mexico 87102
February 17, 1994

cc: JWC
LPB
PGL *qu 2-22-94*
orig. file

IN REPLY REFER TO:

Permit: ACT/007/035
Mine Name: Sunnyside Refuse & Slurry

Mr. James W. Carter, 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

Dear Mr. Carter:

Federal Ten-Day Notice 93-02-370-3 is being issued for (a) violation(s) that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 8/11/93 ; Date of LSCI: 3/31/93

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: _____

FEB 22 1994

RECEIVED

Mr. James W. Carter

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

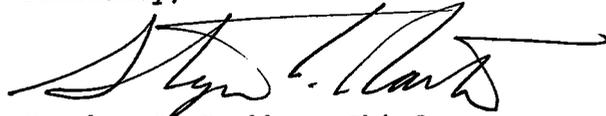
- Not a violation
- Precluded by State policy
- Not included under State program
- Warning given in Lieu of a Citation
- Violation not recognized (missed)
- Practice allowed under approved permit
- Too minor to cite
- Working with operator to correct
- Other: _____

Signature _____

Date _____

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

Sincerely,



Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure