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United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
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ALBUQUERQUE, NEW MEXICO 87102

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In Reply Refer To:

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Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, UT 84180-1203

Re: T87-02-006-009 for J.B. King

Dear Dr. Nielson:

The Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement (OSMRE), has reviewed Utah's Division of Oil, Gas and Mining (DOGM) response to Ten-Day Notice No. 87-02-006-009.

The Division's response to violation 1 of 4 is initially appropriate. Because the operator has now certified the ponds's construction, a violation no longer exists.

The Division's response to violation 2 of 4 is initially appropriate. Assuming DOGM has approved (and will issue a final approval letter) the use of riprap, regrading and riprapping of the eroding stream channel slopes solves the problem. Because DOGM field-verified the work's adequacy on September 30, 1987, the violation no longer exists.

The Division's response to violation 3 of 4 is initially appropriate. Because the +9" rills and gullies are repaired and the work's completion was field-verified by DOGM on September 30, 1987, the violation no longer exists.

The Division's response to violation 4 of 4 is inappropriate. Although the permit's requirement for energy dissipators at the upstream end of the sediment pond seems unnecessary for the present field conditions, it cannot actually be considered a permit defect because no contradiction of the permit or regulations exists. The operator's revision proposal may be an acceptable remedial measure but, until it is approved, the violation remains outstanding.

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