



United States Department of the Interior

0015

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310
625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

ACT/015/015

see mine file
cc K May
L Broughton
DEN



In Reply Refer To:

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OCT 01 1987

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

Re: TDN 87-02-006-008 for Emery Deep Mine

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), Albuquerque Field Office, has completed review of Utah's Division of Oil, Gas and Mining's (DOGM) response to Ten-Day Notice No. 87-02-006-008.

The Division's response to violation 1 of 2 is appropriate. Because the operator has re-posted the required perimeter markers and an inspector has verified its adequacy, the violation no longer exists.

The Division's response to violation 2 of 2 is initially appropriate. The dike's proper functioning with no environmental harm or history of failure does not negate the fact of the violation. According to UMC 771.19, an operator must comply with the terms and conditions of the permit; thus, the required dike must be constructed in accordance with the approved design. If the dike has now been properly reconstructed, then the violation no longer exists, but an inspector needs to verify the field work's adequacy.

In summary, DOGM's response to violation No. 1 is appropriate and response to No. 2 is initially appropriate, pending a follow-up inspection. Please direct any questions concerning this evaluation to Steve Rathbun, Supervisory Reclamation Specialist, at (505) 766-1486.

Sincerely,


Robert H. Hagen, Director
Albuquerque Field Office

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Div. OF OIL
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