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TAKE PRIDE IN AMERICA



# United States Department of the Interior

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

IN REPLY REFER TO:

January 21, 1993

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

Re: DOGM Response to TDN 92-020-370-004, TV 1, Emery Deep, ACT/015/015

Dear Mr. Braxton,

The Albuquerque Field Office (AFO) received the Division of Oil, Gas, and Mining (DOGM) response to Ten-Day Notice (TDN) 92-020-370-004, TV 1, on January 15, 1993. DOGM had received the TDN on December 24, 1992. Our offices had agreed to an extension of time to respond to the TDN because of the holidays.

DOGM has issued a permit order requiring the operator to submit a revision to the permit. This revision is required to address the structure that is the subject of the TDN, under the impoundment and sedimentation pond regulations. The operator has thirty days from January 8, 1993 to submit a revision. AFO has reviewed the DOGM response and finds it to be appropriate.

DOGM's response states that the area in question is a natural depression. AFO disagrees with this statement in that field review indicates that the structure has a constructed embankment along the creek. The current approved maps of the area submitted by the operator also indicate that this is an embankment. Additional performance standards and a higher level of permit revision review are necessary when dealing with an embankment pond. } *x*

If you have any further questions regarding this matter, please contact Steve Rathbun at 505-766-1486.

Sincerely,

Robert H. Hagen, Director  
Albuquerque Field Office

*\* Daren please prepare a response on this part.*  
*Fy*