0015

Orig: AFO: ATN S. Rathbun
cc: mine file

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

In Reply Refer To:

July 3, 1991

Permit: INA/015/017
Mine Name: Des-Bee-Dove

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

Dear Mr. Braxton:

Federal Ten-Day Notice 91-02-370-4 is being issued for a violation that likely existed at the time of the last State complete inspection (LSCI). Specific details are as follows:

Date of Federal Inspection: 6/5/91 ; Date of LSCI: 1/23/91

The determination that the State did not cite the violation 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.)

__X__ Site conditions indicate that the violation noted had been in existence at the time of, or prior to, the last State complete inspection.

_____ Other (Give explanation).

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DIVISION OF
OIL GAS & MINING

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: see TDN response 91-02-370-4

Signature L.P. Braxton Date 7-25-91

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

Sincerely,

Acting for

Stephen G. Rathbun, Chief
Inspection and Enforcement Branch

Enclosure