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# United States Department of the Interior

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

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orig mine file  
cc K May  
L Brafton



In Reply Refer To:

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SFP

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: TDN 87-02-006-016, Deer Creek

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement (OSMRE), Albuquerque Field Office, has reviewed Utah's Division of Oil, Gas and Mining's (DOGM) response to Ten-Day Notice (TDN) 87-02-006-016. Following is our determination:

The Division's response to violation 1 of 6 is appropriate. The operator's past deficiency for analyzing manganese and sampling springs is an after-the-fact violation but DOGM's position not to cite such violations will be addressed later as a programmatic problem.

The Division's responses to violations 2, 3, 4, 5, and 6 of 6 are initially inappropriate. Each issue can be considered a permit defect, making a permit revision appropriate in accordance with OSMRE's Directive INE-27. However, delaying corrections to the permit until the midterm review (due 08/07/88) does not constitute a reasonable timeframe. If DOGM considers that the TDN violations result from permit defects, then the permittee needs to be notified in writing that a revision is required within a reasonable period, and a time period needs to be established for its decision in accordance with UMC Section 788.12(h).

In summary, DOGM's response to violation 1 of 6 is appropriate while responses to violations 2, 3, 4, 5, and 6 of 6 are initially inappropriate; thus, OSMRE may re-inspect the operation. Please direct any questions concerning this determination to Stephen Rathbun, Supervisory Reclamation Specialist, at (505) 766-1486.

Sincerely,

Robert H. Hagen, Director  
Albuquerque Field Office