

0016-

Orig - OSM Albuquerque - Rathbun
cc L. P. Braxton
mine file #5
R. V. Smith
P.F.O.



United States Department of the Interior

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



In Reply Refer To:

September 21, 1989

Held for determination of response adequacy

RECEIVED
SEP 25 1989

Permit: 015/018
Mine Name: Deer Creek

DIVISION OF
OIL, GAS & MINING

Mr. Lowell P. Braxton, Administrator
Mineral Resources Development and Reclamation Program
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 89-02-107-8 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: 09/12/89; Date of LSCI: 07/20/89

The determination that the State did not cite the violation(s) 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 complete inspection (sediment pond, excess spoil fill, etc.)
- Necessary controls that were required at the time of the last complete State inspection have not been established (diversion ditches, sediment ponds, top soil protection, signs and markers, etc.)
- Site conditions indicate that the violation(s) noted had been in existence at the time of, or prior to, the last complete State inspection.
- Other (Give explanation). Quarterly inspection reports for waste rock sediment pond.

Mr. Lowell P. Braxton

2

Indicate below the Division's reason(s) for not citing the alleged violation(s):

- Not a violation (OSM's 10-16-89 letter found "Down had shown good for not taking action")
- 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: _____

Signature Lowell P. Braxton

Date 10-18-89

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

Sincerely,

Henry P. Austin (ACTING)

Stephen G. Rathbun
Supervisory Reclamation Specialist