

0014

PFO

#CT10411002
orig file #3
cc [unclear]
L Brantley
Drew #2



United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
SUITE 310

625 SILVER AVENUE, S.W.
ALBUQUERQUE, NEW MEXICO 87102

MAR 04 1988



In Reply Refer To:

4480
INE

Dr. Dianne R. Nielson, Director
Utah Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RECEIVED
MAR 07 1988

DIVISION OF
OIL, GAS & MINING

Re: Ten-Day Notice 88-02-006-001(1), (2)

Dear Dr. Nielson:

The Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office (AFO) has received the Division of Oil, Gas and Mining (DOGM) response to the above referenced Ten-Day Notice (TDN). The DOGM response to part (1) of the TDN describes certain State actions that have transpired in regard to responses to outstanding permit conditions. Our records include the referenced Notice of Violation (NOV) 87-9-9-1 and the termination notice. Given DOGM's recent enforcement action regarding the issue it is possible that a TDN should not have been issued. In that regard part (1) of the TDN is hereby withdrawn.

Sofco
stop response

The circumstances surrounding the NOV, however, are not clearly documented. For example, our records include a termination notice for the NOV but no documentation as to what remedial actions were conducted by the operator to cause the violation to be abated. A comparison of available information indicates the NOV may have been improperly terminated. In addition, DOGM's rationale for eventually vacating the NOV, while still requiring a response to the permit condition, is unclear.

Response by A.G.??

In regard to part (2) of the TDN DOGM's response indicates the operator has been requested to amend the section of the mining and reclamation plan that deals with topsoil storage in accordance with INE Directive 27. The response also indicates a letter was sent to the operator on February 9, 1988 addressing the issue. Your response, however, does not indicate the date by which the operator must submit the revision nor the specific time frame for which DOGM will render a decision on the submission.

Dr. Dianne R. Nielson

Because DOGM's response to part (2) of TDN 88-02-006-001 does not meet the criteria set forth in INE Directive 27 it is considered inappropriate until such time that the additional information required by the Directive has been submitted.

*Same old old
stuff - no
response to Dir 27*

If you wish to discuss the matter further, please contact Steve Rathbun or myself at (505) 766-1486.

Sincerely,



Robert H. Hagen, Director
Albuquerque Field Office