

# STATE OF COLORADO

## DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215  
Denver, Colorado 80203  
Phone: (303) 866-3567  
FAX: (303) 832-8106



John W. Hickenlooper  
Governor

Mike King  
Executive Director

Loretta Piñeda  
Director

December 3<sup>rd</sup>, 2013

Roy Karo  
Seneca Coal Company  
P.O. Box 670  
Hayden, Colorado 81639

**RE: Seneca II-W Mine; C-1982-057; Minor Revision No. 76 (MR76)  
Adequacy Review No. 2**

Mr. Karo,

The Colorado Division of Reclamation, Mining and Safety (Division) received your response to the MR76 first adequacy review letter on November 26, 2013. Two items were identified during the first adequacy review that needed to be addressed. The status of these items is discussed below. Several additional items will need to be addressed based on your response letter.

1. Seneca Coal Company's (SCC) response to item #1 of the Division's first adequacy review is accepted, no further action is necessary.
2. Item #2 of the Division's first adequacy review indicated, *"The permanent impoundment demonstrations either submitted with MR76 or that are currently in the permit for Stock Ponds T-2, T-3, T-5, T-18, T-20, T-24, T-26, and T-27 all indicate that the results of the 2012 water sample analysis are attached. However; only 2009, 2010 and 2011 data is included in the appendix currently and 2012 data was not provided with MR76. In order to determine if the water in these impoundments currently meet the requirement of Rule 4.05.9(13)(a) and correspond to the statements made by SCC in the permanent pond demonstrations for these impoundments, please provide the results and analysis for the 2012 monitoring."*

**SCC Response: "There was no data collected in 2012, instead data for 2013 was collected from the impoundments containing sufficient water for sampling".**

Division's response: SCC will need to update the language in the permanent impoundment demonstrations for T-2, T-3, T-5, T-18, T-20, T-26, and T-27 to simply indicate water quality data is included in Appendix 20-2.2. These documents still indicate 2012 water quality data is included in the Appendix which is not the case given SCC response.

Also, no water quality data has been submitted for stock tank T-24 and the permanent impoundment demonstration indicates 2012 water quality data exists for this impoundment. Please provide water quality data for stock tank T-24 or an explanation why data does not exist for this impoundment. The permanent impoundment demonstration for T-24 will need to be updated to include an accurate discussion of the water quality status of this impoundment.

This concludes the Divisions review of MR76. The Division is required to issue a proposed decision for the revision by December 18, 2013. These items must be addressed to the satisfaction of the Division prior to issuing a proposed decision. If you need additional time to address the Division's concerns please request an extension of the decision date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert", with a stylized flourish extending from the end.

Jared Ebert  
Environmental Protection Specialist  
DRMS

CC: Sandy Brown, DRMS *via e-mail*  
Janet Binns, DRMS *via e-mail*