

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

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February 10, 2014

Ron Thompson
New Elk Coal Company, LLC
12250 Highway 12
Weston, CO 81091

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pineda
Director

Re: New Elk Mine (Permit No. C-1981-012)
Technical Revision No. 69 (TR-69)
Re-configuration of Ditch D-55

Dear Mr. Thompson:

We have received your application for a technical revision to your permit to conduct coal mining in Colorado. Our initial review indicates that all preliminary items required by Rule 2.08.4(5) have not been submitted. Thus, your application is incomplete for the purposes of filing as of February 10, 2014.

The revision application has been deemed incomplete because it did not include a detailed design plan for Ditch D-55, as required by Rule 2.05.3(4)(a). New Elk Coal Company indicated that the design information would be forwarded with the next quarterly report, but the Division cannot review this proposal without the supporting design information. The application should include a demonstration that the proposed channel size and bed lining will safely convey the runoff from the 100 yr - 24 hr rainfall event, as required by Rules 4.10.3(2), 4.09.2(7), and 4.05.4. Please also include documentation of any design input parameters (watershed area, vegetation, slope, etc.) that are revised with this application.

In accordance with Rule 2.07.3(1), you have the opportunity to amend, review, or otherwise make your application complete.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Leigh D. Simmons".

Leigh D. Simmons
Environmental Protection Specialist
Leigh.Simmons@state.co.us

C-TR-01