



**COLORADO**

**Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

## MEMORANDUM

To: King Coal File (Permit C-1981-035)  
From: Rob Zuber, P.E., Environmental Protection Specialist (EPS)  
Date: August 3, 2017  
Subject: Withdrawal of TR-20 and CV-2012-003

Based on a Division inspection on March 21, 2012, the Division issued violation CV-2012-003 on April 11, 2012. This violation cited GCC Energy, LLC (GCC) for failure to dispose of coal mine waste in compliance with the King Coal permit C-1981-035 and the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining. The narrative for this violation entailed the following:

*Coal mine waste from the King II Mine was used to backfill the tippie area highwall and benches at the King I Mine. The configuration of placement differed from that described in the permit, and no supporting documentation was provided to show that the waste was placed in accordance with the requirements of Sections 4.09.1, 4.09.2, 4.10, and 4.11 of the regulations.*

Two abatement steps were established as conditions to terminate CV-2012-003.

**Abatement Number 1:**

*Submit a Technical Revision application to the permit which supports leaving all, or a portion of, the Coal Mine Waste placed as backfill, in accordance with Rules 4.09.1, 4.09.2, 4.10, and 4.11; OR notify the Division that the Coal Mine Waste will be removed from the backfilled area and placed on the approved Refuse Pile.*

**Abatement Number 2:**

*Remove any Coal Mine Waste not intended to be approved as permanent backfill, and transport the waste to the approved Refuse Pile.*



The Division assessed a civil penalty related to this violation of \$1,200.00. GCC timely paid the civil penalty on July 20, 2012.

Using appropriate regulatory procedures, GCC requested and the Division approved extensions of the abatement deadlines to August 14, 2012 (Abatement Number 1) and November 30, 2012 (Abatement Number 2).

Abatement Number 1 was achieved on May 25, 2012 when the Division received a letter from Tom Bird of GCC stating that if necessary (that is, if plans to use the coal mine waste as backfill are not approved) GCC will move the material to the approved Refuse Pile.

Abatement Number 2 was achieved by November 30, 2012. In a Division inspection report dated November 26 2012, Marcia Talvite, EPS with the Division, wrote the following:

*At the King I site, Coal Mine Waste (CMW) that had been placed against the portal highwall a year ago was being removed and replaced on the permitted CMW disposal area (waste pile). A large, track-mounted excavator was situated on a bench, and loading the material into a pair of tandem-axle trucks. The trucks then transported the CMW to the top of the pile, where it was dumped. Mr. Wymore said the work is scheduled to be completed no later than Friday, November 30, 2012.*

Marcia Talvite visited the site December 11, 2012. Ms. Talvite verified and documented that all of the material had been removed from the King I highwall area and trucked to the approved Refuse Pile.

Violation CV-2012-003 was terminated by the Division on December 11, 2012.

**The withdrawal of revision TR-20 will not impact the previous decision to terminate the violation. Both abatement steps were taken by GCC. It is clear that Abatement Number 2 was performed by GCC; the material was moved to the Refuse Pile. Abatement Number 1 was also adequately addressed; GCC provided notification to the Division that the materials will be moved to the approved refuse pile.**

