



STATE OF
COLORADO

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Hayden Gulch Loadout, C-1992-081, RN5, Preliminary Adequacy Review Letter

1 message

Musick - DNR, Jason <jason.musick@state.co.us>
To: Jerry Nettleton <jnettleton@peabodyenergy.com>

Fri, Nov 3, 2017 at 2:10 PM

Good afternoon Jerry,

Attached is the Division's Preliminary Adequacy Review associated with RN5 at the Hayden Gulch Loadout.

Please let me know if you have any questions or comments.

Thanks,
Jason

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Jason Musick
Environmental Protection Specialist III
Coal Regulatory Program



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

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COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

November 3, 2017

Jerry Nettleton
Hayden Gulch Terminal, LLC
29515 Routt County Road
Oak Creek, CO 80467

**RE: Hayden Gulch Loadout, Permit No. C-1992-081
Permit Renewal Application No. 5 (RN-5)
Preliminary Adequacy Review**

Dear Mr. Nettleton,

The Division received Hayden Gulch Terminal, LLC's (HGT) application for a permit renewal (RN-5) on August 31, 2017. The application was determined to be complete on September 8, 2017. No concerns have been received from other agencies regarding this proposed permit renewal as of the date of this letter. During a conference call on October 12, 2017, it was determined that any outstanding permit adequacy items identified in the Midterm Review No. 5 would be associated with this RN-5 adequacy review. As such, the Colorado Division of Reclamation, Mining, and Safety has completed its preliminary adequacy review of the proposed permit renewal. Please respond to the following comments or concerns as necessary:

1. In accordance with Rule 2.03.3(1), Tab 1 of the permit should be updated to reflect the current and future status of the loadout. Although the majority of the rail line has been removed, all loading or unloading facilities and equipment have been removed from the site, and the facilities areas has been backfilled and graded.
2. In accordance with Rule 2.03.3(1), please provide updated information found in Tab 3 of the PAP:
 - a) Please update the applicable contact information. This section contains a contact address of 37796 RCR No. 53, and a phone number of (970)276-7003. The Division has been informed that this information has changed.
 - b) Please update the information associated with the Resident Agent
 - c) Please provide an update to the Ownership and Control information
 - d) Please assure that any land ownership changes, or mineral ownership changes have been updated in the PAP.



11/3/2017

- e) As per Rule 2.03.6, please assure that all Right of Entry agreements have remained current through the proposed 5-year permit term.
 - f) Section 2.03.10 of Tab 3 notes that the CDPHE CDPES Permit number COG-850008 expires on June 30, 2013. Please update this section to provide the current status of the CDPES permit.
 - g) Please update Section 2.03.11, Tab 3, with the current location of the public copy of the HGLO permit.
3. Per Rules 2.04.11(4) and 2.05.6(2), please provide updates to the T&E species information and discuss potential impacts to current state and Federal threatened and endangered plant and animal species lists. The Federal and state listed species on concern may have been updated since the last revision.
4. The Division found the application for RN-5 complete on September 9, 2017. Upon completeness HGT is required to publish a Public Notice for four consecutive weeks which will initiate a 30 day comment period from the date of the last publication. As of the date of this letter, the Division has yet to receive a proof of publication of the public notice for RN-5. Please provide the Division a copy of the public notice to ensure that the Public Notice was published as required.
5. During the MT-5 process, the Division generated a Reclamation Cost Estimate (RCE) for all remaining permitted activities associated with the Hayden Gulch Loadout. Because this estimate was generated during the 2015 cost updated year, the Division generated a RCE based on the 2017 cost updated year. This RCE was presented to HGT and a subsequent Surety Reduction No. 1 application was submitted. The RCE generated as a part of the SR-1 will continue to serve as the site wide RCE for the HG Loadout.

If you have any questions or comments feel free to contact me. (303) 866-3567 ext 8134

Sincerely,



Jason Musick

Environmental Protection Specialist

Jason.musick@sate.co.us