



COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

November 7, 2018

Louis Head
New Elk Coal Company, LLC
12250 Highway 12
Weston, CO 81019

Re: New Elk Mine, Permit C-1981-012. RN-07 Preliminary Adequacy Review.

Dear Mr. Head:

New Elk Coal Company (NECC) submitted an application to the Division of Reclamation, Mining and Safety (the Division) for Permit Renewal on August 29, 2018. The application was found complete on September 7, 2018.

This letter lists the issues that the Division requires to be addressed in order for the permit to be renewed. In general, no separate permitting action will be needed to address these issues, and pages in the Permit Application Package (PAP) that are revised in response to this letter can be submitted with “RN-07” or “RN7” in the footer. An exception is Item #1: the ownership and control information should be updated as soon as possible (with a Minor Revision), if it needs to be updated.

1. Please confirm that the ownership and control information in Section 2.03.4 is current and correct. If not current and correct, please revise this section of the PAP.
2. Update the surface owner list (also Section 2.03.4) to include parcels in and adjacent to the Jansen Loadout and the former Golden Eagle fan site.
3. Please indicate the correct status of the mine (active) in the PAP on every relevant page. For example, on page 40 (Section 2.05), the text erroneously indicates that the mine status is Temporary Cessation (TC).
4. Please update the PAP to reflect current conditions. In particular, the mining and reclamation plan should be updated to reflect the situation in 2018. For example, in Section 2.05.2 the operation plan includes a discussion of future actions in 2011. This is, of course, outdated text and needs to be revised.
5. There appears to be a discrepancy between maps in the PAP and the topsoil resource table in Section 2.05 of the PAP (and associated text, pages 36 - 38). Map 11 (sheet 3) and Map 13 indicate that “Topsoil Stockpile #2” is the small pile (roughly 1,000 to 2,000 cubic yards) across Highway 12 from Pond 08. However, the table and text in the PAP indicates that “Topsoil Stockpile #2” is a larger pile (28,808 LCY) west of the coal lab. Please address this discrepancy, with revisions as appropriate.
6. The larger issue related to topsoil is the volumetric analysis to answer the question: is there enough topsoil



to complete the reclamation of the RDA and other areas? Please confirm that the volume numbers in the PAP text and tables are correct. In particular, is the number of 23,652 BCY on the first row of the Topsoil Resource Table accurate?

7. Please add the following language (or similar language) to the PAP (Section 2.05.3): “Management of the sediment ponds at the New Elk Mine include the pumping of water between ponds, and NECC will perform these operation while accounting for the need to allow design capacities in each pond. Also, NECC is working towards approval (by the Water Quality Control Division) of a water treatment system to address high solids levels in Pond 08 water.” The location of this text in the PAP could be the second paragraph on page 20.
8. Please confirm that the revegetation plan (beginning on page 58 in Section 2.05) is current. If NECC plans to propose changes to this plan with a permit revision (including changes to the success criteria, reference areas, or other aspects), please provide an approximate time frame for this revision to be submitted to the Division.
9. Please update Map 13, Map 14, Table 20, and Table 21 to match the on-ground conditions at the mine site. Ditches and culverts must be in the same locations as shown on the maps (for example, it appears that Ditch D58 is not accurately located on Map 13), and dimensions and other specifications must match the tables. Other features, such as SAEs, must also be depicted accurately. For example: is the SAE south of Pond 007A the correct size on the map? Should an additional SAE be added for the lower water tank?

If you have any questions, please contact me at Rob.Zuber@state.co.us or 303.866.3567 (x8113). Thank you very much for your attention to these matters.

Sincerely,



Robert D. Zuber, P.E.
Environmental Protection Specialist II

