



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

May 20, 2019

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

Re: New Elk Mine, Permit C-1981-012. RN-07 Second 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. The Division wrote a preliminary adequacy review (PAR) and sent this in a letter dated November 7, 2018. The Division received the NECC response on April 12, 2019. This letter lists:

- A reiteration of the Division's issues from the PAR;
- NECC's responses (*in italics*); and
- Comments on NECC's responses, labeled a, b, c, etc. (**with required actions in bold type**).

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.

NECC plans to submit a minor revision for the control and ownership information in Section 2.03.4 as soon as recent changes to control are finalized.

- a. **The Division is still awaiting this information – please submit this minor revision as soon as possible.**
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.

The surface owner list has been updated; the revised pages 5 and 5a of Section 2.03 are attached.

- a. There are still discrepancies between Map 1 and the list of owners. For example, Solitario is on the map, but BNI Corporation is in the list. Also, Peter and Jean Vallejo are on the map but not in the list. **Please revise text or map to make these agree.**
- b. It appears that proposed page 5a and the current page 6 contain redundant information. **Please revise the text to prevent any confusion caused by this redundancy.**



- c. Page 5 does not reference the exhibit for the Jansen Loadout (Exhibit 40), which indicates the adjacent landowners there. **Please confirm that the landowners in the exhibit are current and revise Page 5 to include this reference. If Exhibit 40 is out-of-date, please update it.**
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).

The status of the mine has been changed from Temporary Cessation to Active on every relevant page throughout the PAP. The updated pages 39 and 40 of Section 2.05 are attached.

- a. No further action required.
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.

The PAP has been updated to reflect current conditions. Map 3-Mine Plan shows the updated mine plan. The updated pages 1, 2, 3, and 4 of Section 2.05 and Map 3 are attached.

- a. The text on page 1 indicates that Map 3 shows the Permit Boundary. However, the entire boundary is not shown on the map. **Please revise the text to refer to a map (or maps) that shows a complete Permit Boundary. Alternatively, revise Map 3 to show all of the boundary. Also, address the fact that the Permit Boundary includes the former Golden Eagle site, the Jansen Loadout, and monitoring well sites.**
 - b. **Please revise Section 2.05 again to remove more outdated text.** For example, page 1 states that that mine dewatering will be completed by 2009. Page contains a reference to access to the Allen Seam, but should this be the Blue Seam?
 - c. Page 3 references Figure 2, which shows the life of mine area. This figure in the PAP was last revised in 2011 with TR-58 and appears to be out-of-date. **Please update this figure.**
 - d. The revised Map 3 illustrates the Blue Seam Mine Plan. However, the text (fourth paragraph on page 3) discusses future workings in the Apache and Allen Seams. **Please edit the text if there are no future plans for the Apache or Allen Seams (or indicate that plans are beyond the permit term), or add maps (the PAP could include Maps 3a, 3b, etc.) for the other seams.**
 - e. Map 3 should be stamped by a professional engineer.
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.

The PAP and map 13 have been updated showing Topsoil Stockpile #1 as the large pile (28,808 LCY) and Topsoil Stockpile #2 as the small pile south of Highway 12 and west of the refuse belt. Updated pages 36, 37, 38, 39, 40, 41, 55, and 56 of Section 2.05 are attached.

- a. **On page 36, the title of the table should include “Topsoil” not “Soil”.**
 - b. **Please explain where the 5 acres of waste are in the West Portal area (second paragraph of page 37.**
 - c. Topsoil Stockpile #1 is not shown on the revised Map 13. **Please edit this.**
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?

NECC staff took field measurements and used some rough calculation to confirm that the large topsoil pile (Topsoil Stockpile #1) is about 23,652 BCY. The rough estimation measured Topsoil Stockpile #1 at 23,981 BCY. NECC staff also measured Topsoil Stockpile #2 (small pile south of Highway 12 and west of refuse conveyor) to be 1,939 BCY.

- a. There is a typo in the table on page 38. **In the last row, “+ row 3” should be added, and “minus row 3” should be changed to “minus row 4”.**
 - b. Based on the Division’s measurement of the dimensions of Topsoil Stockpile #1 (field measurement of height and use of Google Earth for area), it appears that NECC’s volume number for this pile is accurate, perhaps even conservatively low.
 - c. Also, the topsoil needed volumes (page 39) appear to be correct, based on the use of Google Earth and simple arithmetic.
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.

The suggested language was added to pages 20 and 20a of Section 2.05.

- a. In recent conversations with the Division, NECC has indicated that a permitted water treatment system may no longer be an option. **If this is true, please edit the text accordingly.**
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.

The revegetation plan in the PAP is current; however, the reference area located on the Colorado Parks and Wildlife land has been disturbed. New Elk will have to submit a Permit Revision to change the reference area. New Elk staff will attempt to get a revision submitted within the calendar year, once the long-term future for New Elk Mine becomes clearer.

- a. The Division agrees with this course of action. No further response is needed as part of the renewal.
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?

Map 13 is attached and has been updated to show on-ground conditions. The updated Map 13 is attached.

- a. On Map 13, there is still no SAE at the lower tank, and Ditch D58 is apparently too far south on the map (should maybe be on other side of railroad bed). **Please revise the map again, or explain if these edits are not needed to accurately show the structures.**
- b. **Map 13 should be stamped by a professional engineer.**

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