



January 13, 2020

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

**Re: New Elk Mine (Permit No. C-1981-012)**  
**Division Review of 2019 Quarterly Sediment Pond Inspection Reports (1Q – 4Q)**

Dear Mr. Head:

The Division received the four 2019 Quarterly Sediment Pond Inspection Reports for the New Elk Mine. These were sent by Nick Mason of NECC on January 9, 2020. These reports were submitted to comply with Rule 4.05.9(17) (Regulations of the Colorado Mined Land Reclamation Board for Coal Mining). However, these reports should be submitted on a quarterly basis per this rule. **Future quarterly pond reports should be submitted to the Division in a timelier manner.**

The reports are signed by a professional who is MSHA-trained, and thus they appear to meet the requirement of Rule 4.05.9(14). **The Division does request that additional documentation be provided in future reports regarding details of this MSHA training.**

No significant issues were identified in these four reports, and the Division has found no cause for concern related to these ponds based on our own monthly inspections. However, I do have the following comments:

- There is no mention in the reports that the Pond 4 dam contains large willows, which is not an optimal condition. This should be noted in future reports, and NECC staff should avoid pumping too much water to this pond. **To the extent feasible, the water level in Pond 4 should not be higher than one foot below the discharge point on the primary spillway.**
- Regarding the containment area by the RDA (also known as the north containment area and shown on Map 13 of the mine PAP as Containment Area 5), the reports indicate that the sediment storage capacity has not been exceeded. **In future sediment pond inspection reports, please indicate the basis for statements about sediment levels.** (There is an as-built for this structure in Exhibit 19 of the PAP, and this figure does not indicate a level of allowable sediment storage.)

If you have any questions or comments, please do not hesitate to contact me at [Rob.Zuber@state.co.us](mailto:Rob.Zuber@state.co.us) or 303.866.3567 (x8113).

Thank you,

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

