



January 13, 2020

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

Re: Lorencito Canyon Mine (Permit No. C-1996-084)
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 Lorencito Canyon 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 certified, 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 certification.**

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:

- **The second quarter report for 2019 indicates that Pond 5 will be surveyed during the third quarter of 2019. Please indicate in future reports if this has (or has not) been done.**
- **In future sediment pond inspection reports, please indicate the basis for statements about design storage capacity.** For example, can references be made to figures in the PAP such as the Sedimentation Pond Summary in Exhibit 15? Are assertions made based on sediment cleanout level markers in the ponds?

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

Thank you,

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

