

STATE OF  
COLORADO

Ebert -, Jared &lt;jared.ebert@state.co.us&gt;

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## New Elk Mine, C-1981-012, SI03 Informal Conference Notes

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**Ebert -, Jared** <jared.ebert@state.co.us>

Fri, Jul 17, 2020 at 9:38 AM

To: Louis Head &lt;lhead@newelkcoal.com&gt;

Cc: Daniel Cunningham - DNR &lt;daniel.cunningham@state.co.us&gt;, "Stark, Jim" &lt;jim.stark@state.co.us&gt;, Scott Schultz &lt;scott.schultz@coag.gov&gt;, KENT GORHAM &lt;gorham18@comcast.net&gt;

Good morning Louis,

We would like to thank you and your crew for participating in the informal conference yesterday regarding the proposed surety increase and order to revise the permit. I thought it would be good to briefly summarize our discussion:

- All parties agreed that the informal conference would not be recorded.
- We discussed DRMS's conclusion that the bond is insufficient regarding the available cover fill material for the refuse disposal area.
- NECC questioned if DRMS was questioning the validity of the baseline soils information contained in section 2.04 of the permit.
  - DRMS is not questioning the validity of this information.
- A concern was raised about the utilization of a new CIRCES task to account for Task 614 in the approved cost estimate for the site.
  - DRMS acknowledges this point and explained a new CIRCES task was generated because it was assumed the unit costs from Task 614 had been updated since it was first generated in 2018 and would have yielded the same cost.
- We discussed a proposal that NECC would submit a TR that will include an "interim" plan that will detail a source of adequate cover material for the 19 acres of uncovered refuse material at the RDA. The details of this TR were summarized in NECC's July 15, 2020 response letter.
  - DRMS had some general questions about this plan that will be addressed in the technical revision submittal.
  - Overall, this plan should provide a less expensive means of obtaining the requisite cover material. NECC will provide details of the plan and an estimated cost which DRMS will review.

Please let me know if I have mischaracterized any of these points. DRMS appreciates NECC attention to this matter and we are committed to working with you to address this issue in a timely fashion. DRMS acknowledges we have a difference of opinion about the availability and salvage-ability of cover material in and around in the RDA. We want to be clear that with the upcoming submittal of the technical revision DRMS would like to see evidence that the proposed borrow area has sufficiently available material that is accessible.

Thank you and feel free to reach out to DJ or myself if you have questions.

Jared

P.S. I do not have your attorneys contact information so please pass this along to them if you would like.

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Jared Ebert

Senior Environmental Protection Specialist

**\*I am working remotely, please feel free to call my cell at (720) 413-6466**

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

7/17/2020

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