

STATE OF
COLORADO

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Notice of Incomplete Application for Permit: C1980007 Revision: MR453

6 messages

Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>

Fri, Oct 30, 2020 at 11:36 AM

To: kwelt@archcoal.com

Cc: Leigh.Simmons@state.co.us, dnr_drms_coal_admin@state.co.us

Please see attached correspondence from the Division of Reclamation, Mining and Safety.

**COLORADO****Division of Reclamation,
Mining and Safety**

Department of Natural Resources

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231K

Welt, Kathy <KWelt@archrsc.com>

Fri, Oct 30, 2020 at 11:52 AM

To: "Leigh.Simmons@state.co.us" <Leigh.Simmons@state.co.us>

Leigh,

I disagree. MR-453 provides a plan for the South Prong Stream restoration that is consistent with MCC's existing approved reclamation plan for subsidence mitigation and with the revegetation of riparian areas. As I reconsidered this submittal, I did not believe that this plan (not an engineered design) would "...cause a significant alteration in the operator's reclamation plan", nor was it a "design change for regulated structures or facilities" as is defined in the regulations for a technical revision. Any chance that you can reconsider and accept the Minor Revision application?

Kathy Welt,

Environmental Engineer III

Mountain Coal Company, LLC

West Elk Mine

5174 Highway 133

Somerset, CO 81434

Phone (970) 929-2238

Cell (970) 433-1022

Please note the change in email address to KWelt@archrsc.com

From: Division of Reclamation, Mining and Safety <dnr_drms_permitadmin@state.co.us>
Sent: Friday, October 30, 2020 11:37 AM
To: Welt, Kathy <KWelt@archrsc.com>
Cc: Leigh.Simmons@state.co.us; dnr_drms_coal_admin@state.co.us
Subject: Notice of Incomplete Application for Permit: C1980007 Revision: MR453
Importance: High

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Please see attached correspondence from the Division of Reclamation, Mining and Safety.

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Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: "Welt, Kathy" <KWelt@archrsc.com>

Fri, Oct 30, 2020 at 11:56 AM

Sorry, no - the delay in sending the letter was to allow time for consultation with management. This one will have to be a TR.

Leigh Simmons
Environmental Protection Specialist



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

P 303.866.3567 x 8121 | C 720.220.1180 | F 303.832.8106
1313 Sherman Street, Room 215, Denver, CO 80203
leigh.simmons@state.co.us | <http://mining.state.co.us/>

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Welt, Kathy <KWelt@archrsc.com>

Fri, Oct 30, 2020 at 12:21 PM

To: "Simmons - DNR, Leigh" <leigh.simmons@state.co.us>, "Musick - DNR, Jason" <jason.musick@state.co.us>

Cc: Jim Stark - DNR <jim.stark@state.co.us>, "Norris, Weston" <Wnorris@archrsc.com>

Unfortunately, we only have a one week window from today (if storm forecasts are accurate) to get the stream restoration work done, so requiring us to submit a TR will force us into having to proceed without an approved revision. We have been working diligently to get these repairs done, as we have to get the stream restored and flows returned by next weekend or risk the diversion pipes freezing and creating more damage. Again, please reconsider.

Kathy Welt,

Environmental Engineer III

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Sent: Friday, October 30, 2020 11:56 AM

To: Welt, Kathy <KWelt@archrsc.com>

Subject: Re: Notice of Incomplete Application for Permit: C1980007 Revision: MR453

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Leigh Simmons

Environmental Protection Specialist

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[Quoted text hidden]

Simmons - DNR, Leigh <leigh.simmons@state.co.us>

Fri, Oct 30, 2020 at 12:51 PM

To: "Welt, Kathy" <KWelt@archrsc.com>

Cc: "Musick - DNR, Jason" <jason.musick@state.co.us>, Jim Stark - DNR <jim.stark@state.co.us>, "Norris, Weston" <Wnorris@archrsc.com>

Kathy,

I understand that this is a difficult situation, particularly given the time of year. The factors that Mountain Coal Company and its contractors are dealing with on the ground have been taken into account in the Division's internal discussions.

The Division's position has always been that the Rules dictate that a plan for the stream restoration cannot be approved with an MR, since it does not allow for sufficient review time and public consultation. Clearly it will be necessary for MCC to prepare the site for the coming winter snow and spring run-off, and it is possible that a final design will not have been approved by the time that conditions make site access impractical. The site will be inspected in the spring and evaluated against whatever the approved design is (assuming that a design for the restored stream channel has been approved). The possibility that some further work will be required at that time cannot be ruled out.

I hope that clarifies the Division's position. Please reply on this same email thread if you would like to continue the discussion.

Leigh Simmons
Environmental Protection Specialist



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leigh.simmons@state.co.us | <http://mining.state.co.us/>

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Welt, Kathy <KWelt@archrsc.com>

Fri, Oct 30, 2020 at 1:05 PM

To: "Simmons - DNR, Leigh" <leigh.simmons@state.co.us>

Cc: "Musick - DNR, Jason" <jason.musick@state.co.us>, Jim Stark - DNR <jim.stark@state.co.us>, "Norris, Weston" <Wnorris@archrsc.com>

I still respectfully disagree with the Division's position, but nonetheless have submitted a TR application. Please review the application for completeness as soon as possible so that the publication the 2 PM deadline can be met.

Kathy Welt,

Environmental Engineer III

Mountain Coal Company, LLC

West Elk Mine

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[Somerset, CO 81434](#)

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<Wnorris@archrsc.com>

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Leigh Simmons

Environmental Protection Specialist

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