



STATE OF
COLORADO

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

NOV CV-2020-001

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

Fri, Nov 20, 2020 at 3:00 PM

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

Cc: "Musick - DNR, Jason" <jason.musick@state.co.us>, "Jim Stark (jim.stark@state.co.us)" <jim.stark@state.co.us>, "Norris, Weston" <Wnorris@archrsc.com>, "Wilczek, Jessica" <jwilczek@archrsc.com>, Jared Ebert - DNR <jared.ebert@state.co.us>

Kathy,

Attached is a letter extending the abatement deadline for CV-NOV-2020-001 to December 30, 2020, per your request.

I will take this opportunity to point out that there is a "good faith" component to the civil penalty assessment - the assessment officer will consider the timely abatement of the NOV during this process, so from this perspective the earlier a TR can be submitted to abate the NOV the better.

Leigh Simmons
Environmental Protection Specialist



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

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EXTENSION OF TIME FOR ABATEMENT NOTICE FOR NOTICE OF VIOLATION OR CESSATION ORDER FOR COAL OPERATION

TO: THE OPERATOR AND PERMITTEE OF THE MINE DESCRIBED BELOW

Cessation Order No.		Notice of Violation No.	CV-2020-001
Date NOV or CO Issued:	November 12, 2020	Permit No.:	C-1980-007
Mine:	West Elk Mine	County:	Delta, Gunnison
Operator (If Other than Permittee):	Mountain Coal Company, LLC	Type of Mine:	Underground
Mail Address:	5174 Highway 133 Somerset, CO 81434	Permittee:	Mountain Coal Company, LLC
		Mail Address:	5174 Highway 133 Somerset, CO 81434

In Violation CV-2020-001, the deadline for abatement of the practice, condition or violation described was fixed as described below. It is hereby found that the operator has failed to abate such practice, condition or violation, or cannot complete abatement within the time allowed, but that such failure is not due to lack of diligence on the part of the operator. The time for abatement is therefore extended as follows:

Abatement Step	Description	Original Date Due	Extended Due Date
1	Submit a technical revision to: (1) reconcile the mine plan with the subsidence survey and include the information in an updated subsidence control plan as required by 2.05.6(6)(i); (2) update predictions of probable hydrologic consequences as necessary	December 1, 2020	December 30, 2020

DIVISION OF RECLAMATION, MINING AND SAFETY

Date of Issue: November 20, 2020

(Signature of Authorized Representative)

[Signature of Division Director, if extension is beyond 90 days, pursuant to Rule 5.03.2(2)(e)]. The Division's justification for approving the extension beyond 90 days is attached.

Leigh D. Simmons
Environmental Protection Specialist