

**EXHIBIT 23**  
**AIR EMISSION PERMITS**

- 1) Construction Permits - August 12, 2021**
- 2) CHOD Letter of January 3, 1979**
- 3) CDOH Letter of June 4, 1986**
- 4) Emission Permit - Coal Handling**
- 5) Emission Permit - Refuse Disposl**



# CONSTRUCTION PERMIT

Permit number: **21LA0184F**

Issuance: **1**

Date issued: **August 12, 2021**

Issued to: **New Elk Coal Company LLC**

Facility Name: New Elk Mine  
Plant AIRS ID: 071-0072  
Physical Location: 12250 State Highway 12, Weston  
County: Las Animas County  
General Description: Underground Coal Mine

**Equipment or activity subject to this permit:**

AIRS Point	Description
010	Coal transportation from underground to the processing facility. Includes coal handling, stockpiling, hauling, and associated conveyors and transfer points.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

## REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. **YOU MUST** notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit **by submitting a Notice of Startup (NOS) form to the Division**. The Notice of Startup (NOS) form may be downloaded online at <https://cdphe.colorado.gov/compliance-and-enforcement>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website. Search for "Colorado air permit self-certification" in a search engine to find self-certification info. (Reference: Regulation Number 3, Part B, III.G.2).
3. This permit will expire if the owner or operator of the source for which this permit was issued:  
(i) does not commence construction/modification or operation of this source within 18 months after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application



associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date. Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)

4. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, the operator must complete all initial compliance testing and sampling as required in this permit and submit the results to the Division as part of the self-certification process. (Reference: Regulation Number 3, Part B, III.G.2.)
5. Within thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the permit number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.G.2.) (State only enforceable)

## **EMISSION LIMITATIONS AND RECORDS**

6. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, II.A.4)

### **Annual Emission Limits:**

Activity	AIRS Point	Tons per Year					Emission Type
		PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NOx	CO	
Hauling & Stockpiling Operations	010	7.9	3.1	0.5	-	-	Fugitive
Transfer Points		0.2	0.1	0.1	-	-	Point

Note: In the absence of credible evidence to the contrary, compliance with the emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

## **PROCESS LIMITATIONS AND RECORDS**

7. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

### **Production Limits:**

AIRS Point	Production Parameter	Annual Limit	Daily Limit
010	Coal handling	1,200,000 tons	6,000 tons

## **STATE AND FEDERAL REGULATORY REQUIREMENTS**

8. Visible emissions from conveyors and transfer points must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. (Reference: Regulation Number 1, II.A.1. & 4.)



9. All coal processing and conveying equipment, coal storage systems, transfer and loading systems, and open storage piles, are subject to Regulation Number 6, Part A, Subpart Y - Standards of Performance for Coal Preparation Plants, including, but not limited to, the following:

[The requirements below reflect the rule language of 40 CFR Part 60 Subpart Y published in the Federal Register on 10/08/2009. However, if revisions to this Subpart are published at a later date, the owner or operator is subject to the requirements contained in the revised version of 40 CFR Part 60, Subpart Y.]

- a. Except as provided in paragraph (c) of this section, the owner or operator must not cause to be discharged into the atmosphere any gases which exhibit 10 percent (10%) opacity or greater.
- b. The owner or operator must not cause to be discharged into the atmosphere from any mechanical vent gases which contain particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf).
- c. Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (a) of this section.

In addition, the following requirements of Regulation Number 6, Part A, Subpart A, General Provisions, apply (40CFR part 60, Subpart A).

- a. At all times, including periods of start-up, shutdown, and malfunction, the facility and control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether or not acceptable operating and maintenance procedures are being used will be based on information available to the Division, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. (Reference: Regulation 6, Part A. General Provisions from 40CFR60.11)
- b. No article, machine, equipment or process shall be used to conceal an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. (§ 60.12)
- c. Written notification of construction and initial startup dates shall be submitted to the Division as required under § 60.7.
- d. Records of startups, shutdowns, and malfunctions shall be maintained, as required under § 60.7.
- e. Written notification of opacity observation or monitor demonstrations shall be submitted to the Division as required under § 60.7.
- f. Compliance with opacity standards shall be demonstrated according to § 60.11.



## **OPERATING & MAINTENANCE REQUIREMENTS**

10. This source is not required to follow a Division-approved operating and maintenance plan.

## **COMPLIANCE TESTING AND SAMPLING**

### **Initial Testing Requirements**

11. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, the owner or operator must demonstrate compliance with Conditions 8 and 9, using EPA Method 9 to measure opacity from the equipment indicated below. (Reference: Regulation Number 1, II.A.1 & 4)

### **NSPS Subpart Y:**

For conveyors and transfer points, the measurement must consist of consecutive readings taken at fifteen second intervals over a one hour period (ten 6-minute averages). If, during the initial 30 minutes of the Method 9 observation, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes (Reference § 60.257(a)(1)).

### **Periodic Testing Requirements**

12. Periodic testing is not required for this source.

## **ADDITIONAL REQUIREMENTS**

13. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
14. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission producing sources as required by Regulation Number 1, III.D.1.b.
15. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Regulation Number 3, Part B, III.E.)
16. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
  - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

#### **For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.



**For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires.

**GENERAL TERMS AND CONDITIONS:**

- 17. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
- 18. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
- 19. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By:   
Greg Marcinkowski  
Permit Engineer

By:   
For: K.C. Houlden  
Construction Permits Unit Supervisor

### Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Issued to New Elk Coal Company LLC.

Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.
- 3) The transfer point emission levels contained in this permit are based on the following emission factors:

### Transfer Point Emissions:

Pollutant	Emission Factors - Uncontrolled (per transfer point)		Emission Factors - Controlled* (per transfer point)	
	lb/ton	Source	lb/ton	Source
PM	0.0030	EPA's AP-42 table 11.19.2-2	0.000042	EPA's AP-42 table 11.19.2-2
PM <sub>10</sub>	0.0011	EPA's AP-42 table 11.19.2-2	0.0000154	EPA's AP-42 table 11.19.2-2
PM <sub>2.5</sub>	0.00031	Ratio from uncontrolled PM <sub>10</sub> using the PM <sub>10</sub> and PM <sub>2.5</sub> controlled emission factors	0.00000434	EPA's AP-42 table 11.19.2-2

\* Emissions controlled by water spray bars and partial enclosures

In developing the emissions limits in this permit, it was assumed there are 5 transfer points. Emissions are calculated using the following formula:

$$\text{Emissions (in tons)} = (\text{EF} \times \text{Y} \times \text{N}) / 2000$$

Where:

EF = emission factor per the table above  
Y = throughput of material in tons  
N = number of transfer points



- 4) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

- 5) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD	Minor source

- 6) Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed below:

<http://www.ecfr.gov/>

Part 60: Standards of Performance for New Stationary Sources		
NSPS	\$60.250 - \$60.258	Subpart Y

- 7) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 8) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 9) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 10) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 11) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.



## PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads, the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

### Control Measures

- 1. Topsoil stockpiles must be compacted and revegetated within one year.
- 2. Finished product stockpiles must be watered, compacted, completely enclosed, and treated with chemical stabilizer per the manufacturer's recommendations.
- 3. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
- 4. Conveyors and associated transfer points must utilize water spray bars and partial enclosures.
- 5. Haul roads must be graveled, treated with chemical stabilizer per manufacturer's recommendations, and watered as often as needed to control fugitive particulate emissions such that the above guidelines are met.
- 6. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
- 7. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and revegetated within one year.



# CONSTRUCTION PERMIT

Permit number: **21LA0185**

Issuance: **1**

Date issued: **August 12, 2021**

Issued to: **New Elk Coal Company LLC**

Facility Name: New Elk Mine  
Plant AIRS ID: 071-0072  
Physical Location: 12250 State Highway 12, Weston  
County: Las Animas County  
General Description: Underground coal mine

Equipment or activity subject to this permit:

AIRS Point	Description
011	Disposal of coal refuse from the preparation plant. Includes refuse handling, stockpiling, and associated conveyors and transfer points.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

## REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. **YOU MUST** notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit **by submitting a Notice of Startup (NOS) form to the Division.** The Notice of Startup (NOS) form may be downloaded online at <https://cdphe.colorado.gov/compliance-and-enforcement>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website. Search for "Colorado air permit self-certification" in a search engine to find self-certification info. (Reference: Regulation Number 3, Part B, III.G.2).
3. This permit will expire if the owner or operator of the source for which this permit was issued:  
(i) does not commence construction/modification or operation of this source within 18 months after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application



associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date. Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)

4. Within thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the AIRS ID (example: 071/0072/011) number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.G.2.) (State only enforceable)

## **EMISSION LIMITATIONS AND RECORDS**

5. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, II.A.4)

### **Annual Emission Limits:**

Activity	AIRS Point	Tons per Year					Emission Type
		PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	
Stockpiling Operations and Disturbed Areas	011	0.6	0.3	-	-	-	Fugitive
Transfer Points		0.1	0.1	-	-	-	Point

Note: In the absence of credible evidence to the contrary, compliance with the emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

## **PROCESS LIMITATIONS AND RECORDS**

6. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

### **Production Limits:**

AIRS Point	Production Parameter	Annual Limit
011	Coal refuse handling	1,000,000 tons

## **STATE AND FEDERAL REGULATORY REQUIREMENTS**

7. Visible emissions from conveyors and transfer points must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. (Reference: Regulation Number 1, II.A.1. & 4.)

## **OPERATING & MAINTENANCE REQUIREMENTS**

8. This source is not required to follow a Division-approved operating and maintenance plan.

## **COMPLIANCE TESTING AND SAMPLING**

### **Initial Testing Requirements**

9. Initial testing is not required for this source.

### **Periodic Testing Requirements**

10. Periodic testing is not required for this source.

## **ADDITIONAL REQUIREMENTS**

11. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
12. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission producing sources as required by Regulation Number 1, III.D.1.b.
13. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Regulation Number 3, Part B, III.E.)
14. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
  - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:  
  
**For any criteria pollutant:**  
  
For sources emitting **less than 100 tons per year**, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or  
  
For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.  
  
**For any non-criteria reportable pollutant:**  
  
If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.
  - b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
  - c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
  - d. Whenever a permit limitation must be modified; or
  - e. No later than 30 days before the existing APEN expires.



## GENERAL TERMS AND CONDITIONS:

15. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
16. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
17. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By:   
Greg Marcinkowski  
Permit Engineer

By:   
For: K.C. Houlden  
Construction Permits Unit Supervisor

### Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Issued to New Elk Coal Company LLC.

### Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)

- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.
- 3) The transfer point emission levels contained in this permit are based on the following emission factors:

**Transfer Point Emissions:**

Pollutant	Emission Factors - Uncontrolled (per transfer point)		Emission Factors - Controlled* (per transfer point)	
	lb/ton	Source	lb/ton	Source
PM	0.0030	EPA's AP-42 table 11.19.2-2	0.000042	EPA's AP-42 table 11.19.2-2
PM <sub>10</sub>	0.0011	EPA's AP-42 table 11.19.2-2	0.0000154	EPA's AP-42 table 11.19.2-2
PM <sub>2.5</sub>	0.00031	Ratio from uncontrolled PM <sub>10</sub> using the PM <sub>10</sub> and PM <sub>2.5</sub> controlled emission factors	0.00000434	EPA's AP-42 table 11.19.2-2

\* Emissions controlled by water spray bars and partial enclosures

In developing the emissions limits in this permit, it was assumed there are 2 transfer points. Emissions are calculated using the following formula:

$$\text{Emissions (in tons)} = (\text{EF} \times \text{Y} \times \text{N}) / 2000$$

Where:

EF = emission factor per the table above  
Y = throughput of material in tons  
N = number of transfer points

- 4) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.
- 5) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD	Minor source

- 6) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 7) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 8) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 9) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 10) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.

## PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads, the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

### Control Measures

- 1. Topsoil stockpiles must be compacted and revegetated within one year.
- 2. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
- 3. Conveyors and associated transfer points must utilize water spray bars and partial enclosures.
- 4. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
- 5. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and revegetated within one year.





# CONSTRUCTION PERMIT

Permit number: **21LA0186**

Issuance: **1**

Date issued: **August 12, 2021**

Issued to: **New Elk Coal Company LLC**

Facility Name: New Elk Mine  
Plant AIRS ID: 071-0072  
Physical Location: 12250 State Highway 12, Weston  
County: Las Animas County  
General Description: Underground coal mine

**Equipment or activity subject to this permit:**

AIRS Point	Description
012	One (1) ventilation exhaust fan servicing an underground coal mine Make: Joy, Model: M96-59V, S/N: F-99568 Design rated at 400,000 cubic feet per minute.

**THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:**

## **REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL**

- 1. YOU MUST notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit by submitting a Notice of Startup (NOS) form to the Division.** The Notice of Startup (NOS) form may be downloaded online at <https://cdphe.colorado.gov/compliance-and-enforcement>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
- 2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website. Search for "Colorado air permit self-certification" in a search engine to find self-certification info. (Reference: Regulation Number 3, Part B, III.G.2).**
- 3. This permit will expire if the owner or operator of the source for which this permit was issued:**  
(i) does not commence construction/modification or operation of this source within 18 months



after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date. Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)

4. Within thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the permit number must be marked on the subject equipment for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)

## **EMISSION LIMITATIONS AND RECORDS**

5. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, II.A.4)

### **Annual Limits:**

AIRS Point	Tons per Year							Emission Type
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	SO <sub>2</sub>	VOC	CO	
012	6.6	6.6	6.6	-	-	-	-	Point

See "Notes to Permit Holder" for information on emission factors and methods used to calculate limits.

## **PROCESS LIMITATIONS AND RECORDS**

6. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

### **Production Limits:**

AIRS Point	Production Parameter	Annual Limit*
012	Volume of air moved by fan	210,240 MMscf

\*Annual limit is based on design rate of 400,000 cfm, operating for 8,760 hours per year.

## **STATE AND FEDERAL REGULATORY REQUIREMENTS**

7. Visible emissions must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. Opacity must be determined using EPA Method 9. (Reference: Regulation Number 1, II.A.1. & 4.)

## **OPERATING & MAINTENANCE REQUIREMENTS**

8. This source is not required to follow a Division-approved operating and maintenance plan. The source must follow the manufacturer's operating and maintenance recommendations or must follow good air pollution control practices.

## **COMPLIANCE TESTING AND SAMPLING**

### **Initial Testing Requirements**

9. Initial testing is not required for this source.

### **Periodic Testing Requirements**

10. Periodic testing is not required for this source.

## **ADDITIONAL REQUIREMENTS**

11. The permit number must be marked on the subject equipment for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
12. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)

- a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

#### **For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.

#### **For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires.

## **GENERAL TERMS AND CONDITIONS:**

13. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.



14. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
15. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By:   
 Greg Marcinkowski  
 Permit Engineer

By:   
 For: K.C. Houlden  
 Construction Permits Unit Supervisor

#### Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Issued to New Elk Coal Company LLC.

#### Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.



- 3) The emission levels contained in this permit are based on the following emission factors:

**Exhaust Fan:**

Pollutant	Emission Factor - Uncontrolled*	
	lb/MMscf	Source
PM/PM <sub>10</sub> /PM <sub>2.5</sub>	0.06243	Division

\*The Division emission factor of 1 mg/cubic meter was converted to lb/MMscf using the conversion factors of 1 m<sup>3</sup> = 35.3147 ft<sup>3</sup> and 1 mg = 2.20462E-06 lb.

- 4) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.
- 5) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD	Minor source

- 6) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 7) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 8) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 9) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 10) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.



# CONSTRUCTION PERMIT

Permit number: **21LA0201**

Issuance: **1**

Date issued: **August 12, 2021**

Issued to: **New Elk Coal Company LLC**

Facility Name: Jansen Rail Yard  
Plant AIRS ID: 071-0977  
Physical Location: 35000 Block of Highway 63.9, Trinidad  
County: Las Animas County  
General Description: Coal Loadout facility

**Equipment or activity subject to this permit:**

AIRS Point	Description
001	Loadout facility activities, including coal handling, stockpiling, hauling, unloading, train loading, and associated conveyors and transfer points.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

## REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. **YOU MUST** notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit **by submitting a Notice of Startup (NOS) form to the Division**. The Notice of Startup (NOS) form may be downloaded online at <https://cdphe.colorado.gov/compliance-and-enforcement>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website. Search for "Colorado air permit self-certification" in a search engine to find self-certification info. (Reference: Regulation Number 3, Part B, III.G.2).
3. This permit will expire if the owner or operator of the source for which this permit was issued:  
(i) does not commence construction/modification or operation of this source within 18 months after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application



associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date. Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)

4. Within thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the AIRS ID (example: 071/0977/001) number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.G.2.) (State only enforceable)

## **EMISSION LIMITATIONS AND RECORDS**

5. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, II.A.4)

### **Annual Emission Limits:**

Activity	AIRS Point	Tons per Year					Emission Type
		PM	PM <sub>10</sub>	PM <sub>2.5</sub>	NO <sub>x</sub>	CO	
Hauling, Stockpiling, & Loading Operations	001	10.7	3.0	0.4	-	-	Fugitive
Transfer Points		0.1	0.1	0.1	-	-	Point

Note: In the absence of credible evidence to the contrary, compliance with the emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

## **PROCESS LIMITATIONS AND RECORDS**

6. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

### **Production Limits:**

AIRS Point	Production Parameter	Annual Limit	Daily Limit
001	Coal loading to trains	1,200,000 tons	12,000 tons

## **STATE AND FEDERAL REGULATORY REQUIREMENTS**

7. Visible emissions from conveyors and transfer points must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. (Reference: Regulation Number 1, II.A.1. & 4.)

## **OPERATING & MAINTENANCE REQUIREMENTS**

8. This source is not required to follow a Division-approved operating and maintenance plan.



## **COMPLIANCE TESTING AND SAMPLING**

### **Initial Testing Requirements**

9. Initial testing is not required for this source.

### **Periodic Testing Requirements**

10. Periodic testing is not required for this source.

## **ADDITIONAL REQUIREMENTS**

11. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
12. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission producing sources as required by Regulation Number 1, III.D.1.b.
13. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Regulation Number 3, Part B, III.E.)
14. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
  - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

**For any criteria pollutant:**

For sources emitting **less than 100 tons per year**, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.

**For any non-criteria reportable pollutant:**

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.
  - b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
  - c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
  - d. Whenever a permit limitation must be modified; or
  - e. No later than 30 days before the existing APEN expires.





## GENERAL TERMS AND CONDITIONS:

15. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
16. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
17. This permit is issued in reliance upon the accuracy and completeness of the information supplied by the applicant and is conditioned upon the conduct of the activity, or construction, installation, and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By:   
Greg Marcinkowski  
Permit Engineer

By:   
For: K.C. Houlden  
Construction Permits Unit Supervisor

### Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Issued to New Elk Coal Company LLC.

### Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)

- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.
- 3) The transfer point emission levels contained in this permit are based on the following emission factors:

**Transfer Point Emissions:**

Pollutant	Emission Factors - Uncontrolled (per transfer point)		Emission Factors - Controlled* (per transfer point)	
	lb/ton	Source	lb/ton	Source
PM	0.0030	EPA's AP-42 table 11.19.2-2	0.0000015	EPA's AP-42 table 11.19.2-2
PM <sub>10</sub>	0.0011	EPA's AP-42 table 11.19.2-2	0.00000055	EPA's AP-42 table 11.19.2-2
PM <sub>2.5</sub>	0.00031	Ratio from uncontrolled PM <sub>10</sub> using the PM <sub>10</sub> and PM <sub>2.5</sub> controlled emission factors	0.000000155	EPA's AP-42 table 11.19.2-2

\* Emissions controlled by water spray bars and complete enclosures

In developing the emissions limits in this permit, it was assumed there is 1 transfer point. Emissions are calculated using the following formula:

$$\text{Emissions (in tons)} = (\text{EF} \times \text{Y} \times \text{N}) / 2000$$

Where:

EF = emission factor per the table above  
Y = throughput of material in tons  
N = number of transfer points

- 4) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.
- 5) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD	Minor source

- 6) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 7) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 8) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)
- 9) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 10) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.

## PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads, the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

### Control Measures

- 1. Finished product stockpiles must be watered, compacted, and treated with chemical stabilizer per the manufacturer's recommendations.
- 2. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
- 3. Conveyors and associated transfer points must utilize water spray bars and complete enclosures.
- 4. Haul roads must be graveled and watered as often as needed to control fugitive particulate emissions such that the above guidelines are met.
- 5. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
- 6. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and treated with chemical stabilizer per the manufacturer's recommendations.



COLORADO DEPARTMENT OF HEALTH

4210 EAST 11TH AVENUE DENVER, COLORADO 80220 PHONE 320-8333

January 3, 1979

CERTIFIED MAIL NO. 916885

Mr. John C. Winkley  
Manager, Air & Water Quality Control  
CF&I Steel Corporation  
P.O. Box 316  
Pueblo, Colorado 81002

RE: Emission Permit C-12,206.

Dear Mr. Winkley:

Per your discussions with this Division it has been determined that since the new oil-fired boilers to be installed at the Allen Mine will produce less air pollutant emissions than the old coal-fired boilers (Air Contaminant Emissions Notice dated April 4, 1977), NO PERMIT IS REQUIRED. Therefore, Emission Permit C-12,206 is cancelled. This determination was based upon Air Pollution Control Commission Regulation No. 3., Section II.C.3.

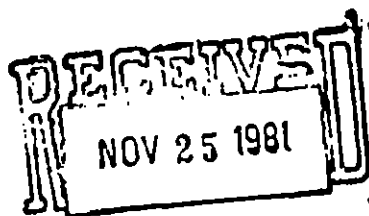
The \$40.00 filing fee is non-refundable and will be applied toward the filing of the new Air Contaminant Emissions Notice. The initial approval fee (\$54.00), however, will be refunded as soon as we can process this through our Accounting Department.

Thank you for your cooperation.

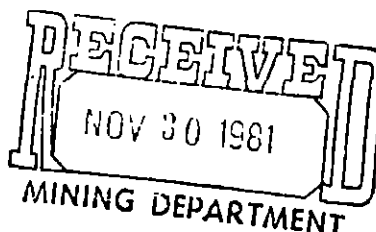
Sincerely yours,

A.C. Bishard, P.E., Chief  
Stationary Sources Section  
Air Pollution Control Division

JCG:plc



Air & Water Quality Control Division



MINING DEPARTMENT



# COLORADO DEPARTMENT OF HEALTH

Richard D. Lamm  
Governor

Thomas M. Vernon, M.D.  
Executive Director

June 4, 1986

Mr. James A. Kuenning  
Project Meteorologist  
Enecotech  
243 East 19th Avenue, Suite #300  
Denver, CO 80203

Dear Mr. Kuenning:

The Division has received your request to modify Wyoming Fuel Company's permit 84LA074F. Your letter of April 14, 1986 has been made part of the file. Changes will be made at Final Approval, provided a revised Air Pollution Emission Notice is filed with the Division. In addition, the items discussed in your April 16, 1986 letter will be addressed at the time of Final Approval.

Should you have any questions or comments, please feel free to contact this office at 331-8511.

Sincerely,

*Cathy Rhodes*

Cathy Rhodes, Public Health Engineer  
Air Pollution Control Division

CR/jf

COLORADO DEPARTMENT OF HEALTH  
AIR POLLUTION CONTROL DIVISION  
TELEPHONE: (303) 331-8576



# EMISSION PERMIT

PERMIT NO: 84LA074F (1)

INITIAL APPROVAL ☐

DATE ISSUED: JULY 13, 1992

FINAL APPROVAL ☒

ISSUED TO: BASIN RESOURCES, INC.  
(Prev. issued to: Wyoming Fuels Company)

THE SOURCE TO WHICH THIS PERMIT APPLIES IS DESCRIBED AND LOCATED AS FOLLOWS:

*New Elk Mine Coal Preparation and Washing Facility located 7 miles west of Weston along State Highway 12 in Las Animas County, Colorado.*

THE SPECIFIC EQUIPMENT OR ACTIVITY SUBJECT TO THIS PERMIT INCLUDES THE FOLLOWING:

*Raw and clean coal receiving, handling, processing and transport activities, which includes: topsoil stockpiling, unloading and stockpiling of raw coal from New Elk Mine and Golden Eagle Mine; stockpiling of raw coal to surge pile, washing, conveying and stockpiling of clean coal, loading of clean coal into storaged bins, and loadout to railroad cars for transport off site.*

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR QUALITY CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE OF THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

1. The Fugitive Particulate Emission Control Measures listed on the attached page (as proposed in the Fugitive Particulate Emission Control Plan submitted to the Division) shall be applied to the fugitive particulate emission producing sources as required by Regulation No.1.
2. Emissions of air pollutants shall not exceed the following limitations (as calculated in the Division's preliminary analysis):

Particulate Matter: 19.92 lbs/hour and 27.88 tons/year.

BASIN RESOURCES, INC.

(Prev. issued to: Wyoming Fuels Company

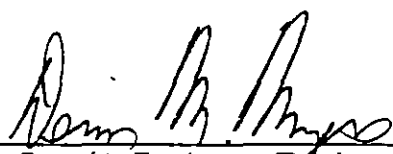
Emission Permit No. 84LA074F (1)

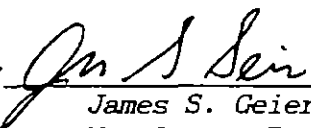
Final Approval

Page 2

These emission limits are based on receiving, handling, washing, stockpiling of up to 1,920,000 tons per year of raw coal at a rate of 800 tons per hour; loading, handling, stockpiling, and storage of up to 1,550,000 tons per year clean coal at an average of 403 tons per hour; and haul vehicle traffic of up to 20,800 trips per year.

Applicant shall maintain daily annual records of clean coal produced for Division inspection upon request.

By:   
Permit Engineer/Reviewer  
Dennis M. Myers

By:   
James S. Geier, P.E., Chief  
New Source Review Section  
Stationary Sources Program  
Air Pollution Control Division

pc/84-IV  
de



BASIN RESOURCES, INC.  
(Prev. issued to: Wyoming Fuels Company  
Emission Permit No. 84LA074F (1)  
Final Approval

FUGITIVE PARTICULATE EMISSIONS CONTROL PLAN

THE FUGITIVE PARTICULATE EMISSIONS CONTROL MEASURES LISTED BELOW SHALL BE USED FOR ENFORCEMENT PURPOSES ON THE SOURCES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NO. 1. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES: 20% OPACITY LIMIT AND NO OFF-PROPERTY TRANSPORT OF VISIBLE EMISSIONS.

1. Coal stockpiles shall be watered as necessary to remain viable as a fugitive control measure.
2. Topsoil stockpiles shall be revegetated with fast growing grasses and watered to maintain growth. Stockpiles shall be aligned longitudinally with prevailing winds.
3. Conveyors and transfer points transporting coal shall be partially enclosed and hooded. Adjustable stacker heights and telescoping chutes shall be used to minimize drop distances when dumping material into stockpiles and haul vehicles.
4. Rail car unloading shall be by bottom dump.
5. Haul roads shall be gravelled and watered. Entryways of unpaved roads onto paved surfaces shall be gravelled. Dirt and material carryover onto paved surfaces shall be washed off daily with water or as necessary to remain viable as a fugitive dust control measure.
6. Vehicle loads shall be limited to prevent spillage and shall be maintained with a surface moisture content sufficient enough to prevent fugitive emissions.

COLORADO DEPARTMENT OF HEALTH  
AIR POLLUTION CONTROL DIVISION  
TELEPHONE: (303) 331-8576



# EMISSION PERMIT

PERMIT NO: 84LA074F (2)

INITIAL APPROVAL ☐

DATE ISSUED: JULY 13, 1992

FINAL APPROVAL ☒

ISSUED TO: BASIN RESOURCES, INC.  
(Prev. issued to: Wyoming Fuels Company)

THE SOURCE TO WHICH THIS PERMIT APPLIES IS DESCRIBED AND LOCATED AS FOLLOWS:

*New Elk Mine Coal Preparation and Washing Facility located 7 miles west of Weston along State Highway 12 in Las Animas County, Colorado.*

THE SPECIFIC EQUIPMENT OR ACTIVITY SUBJECT TO THIS PERMIT INCLUDES THE FOLLOWING:

*Refuse site activities which include the unloading of refuse coal from the braker house and washing facility, the transport of refuse by truck and conveyor and its placement in a refuse disposal area.*

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR QUALITY CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS SET FORTH ON THE REVERSE SIDE OF THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

- 1. The Fugitive Particulate Emission Control Measures listed on the attached page (as proposed in the Fugitive Particulate Emission Control Plan submitted to the Division) shall be applied to the fugitive particulate emission producing sources as required by Regulation No.1.*
- 2. Emissions of air pollutants shall not exceed the following limitations (as calculated in the Division's preliminary analysis):*

*Particulate Matter: 10.06 lbs/hour and 25.46 tons/year.*

BASIN RESOURCES, INC.

(Prev. issued to: Wyoming Fuels Company

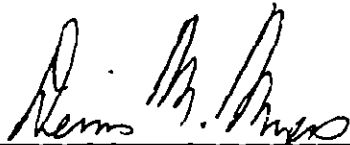
Emission Permit No. 84LA074F (2)

Final Approval

Page 2

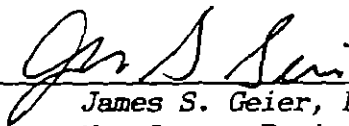
These emission limits are based on loading, transport and disposal of up to 432,000 tons per year of refuse at the rate of 3,840 tons per day; haul vehicle traffic of 20,880 truck trips per year and maintenance of an 11 acre per year refuse disposal area. Applicant shall maintain daily and annual records of refuse handled for Division inspection upon request.

By:



Permit Engineer/Reviewer  
Dennis M. Myers

By:



James S. Geier, P.E., Chief  
New Source Review Section  
Stationary Sources Program  
Air Pollution Control Division

pc/84-IV  
de

BASIN RESOURCES, INC.

(Prev. issued to: Wyoming Fuels Company)

Emission Permit No. 84LA074F (2)

Final Approval

FUGITIVE PARTICULATE EMISSIONS CONTROL PLAN

THE FUGITIVE PARTICULATE EMISSIONS CONTROL MEASURES LISTED BELOW SHALL BE USED FOR ENFORCEMENT PURPOSES ON THE SOURCES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NO. 1. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES: 20% OPACITY LIMIT AND NO OFF-PROPERTY TRANSPORT OF VISIBLE EMISSIONS.

1. Unpaved haul roads shall be covered with gravel and watered.
2. Refuse disposal area shall be watered as necessary to remain viable as a fugitive dust control measure until covered with dirt and revegetation with quick growing grasses.
3. Haul truck loads of refuse shall be watered as necessary to remain viable as a fugitive emission control measure. Load size shall be limited to prevent spillage.
4. Entryways of unpaved roads onto paved roads shall be gravelled to minimize dirt carryover onto paved surfaces. Dirt and refuse carryover onto paved surfaces shall be cleaned up daily by washing off with water at least once daily and 5 times per week, or as necessary to remain viable as a fugitive emission control measure.



# COLORADO DEPARTMENT OF HEALTH

Richard D. Lamm  
Governor

Frank A. Traylor, M.D.  
Executive Director

October 10, 1984

David M. Stout  
Wyoming Fuels Company  
445 Union Blvd.  
Lakewood, Colorado 80228

RE: Exemption from Permit and/or filing of APEN for 84LA074(3)

	<u>Yes</u>	<u>No</u>
APEN Req'd?		X
Permit Req'd?		X

Dear Mr. Stout:

Your application for site preparation activities at New Elk Mine site located approximately 7 miles West of Weston, Colorado, Las Animas County, has been reviewed by the Air Pollution Control Division with the following conclusions:

1. No Air Pollutant Emission Notice (APEN) required because:
  - a. X The source is one of the listed sources specifically exempt in Air Pollution Control Commission (APCC) Regulation No. 3, Section II.C.1. and 2. (excluding Section II.C.1.j). The filing fee (\$40.00) will be credited to application for emission permit 84LA074
  - b.      The source has uncontrolled emissions of less than one ton per year and emits no hazardous, odorous, or toxic pollutants and is therefore exempt under Regulation No. 3, Section II.C.1.j. Enclosed is a refund for the filing fee(s).
2. No Permit required because:
  - a. X Exempt from permit requirements, as noted in Regulation No. 3, Section III.D.1.a.; sources exempt from the filing of APENs, except that for the purposes of this section, the exemption for residential structures which shall be limited to single-family dwellings.
  - b.      The source is one of the listed sources specifically exempt in Regulation No. 3, Section III.D.1.b-e or 2-4. However, APEN(s) are required and the filing fee(s) for the APEN(s) are retained by the APCD.

- c. — The source does not qualify under 2 a. or b. above but meets all the criteria of a negligibly impacting source in accordance with Regulation No. 3, Section III.D.5. However, APEN(s) are required and the filing fee(s) for the APEN(s) are retained by the APCD.
- d. — The source is "grandfathered", i.e., construction commenced prior to February 1, 1972. However, APEN(s) are required and the filing fee(s) for the APEN(s) are retained by the APCD.

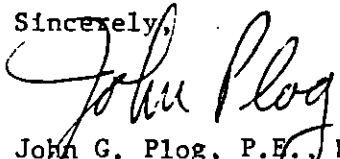
This exemption from permit requirements is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon construction, installation and operation in accordance with this information and with representations made by the applicant or applicant's agents. Specifically, this exemption has been granted provided that the following information is accurate and complete:

1. Site disturbance limited to 12 acres and will be completed by October 31, 1984.

A copy of the APEN/Permit Requirement Worksheet has been enclosed to provide the basis on which this action was taken.

Any changes with respect to the original submittal which would result in increases in either emissions or ambient air impacts, or which would result in the emission of any pollutants not listed in the original submittal, automatically nullifies this exemption. Before actually making any such change, you must apply to the Division for a new exemption based on the anticipated change; if the new exemption is denied by the Division, you will have to obtain a permit before implementing the change.

Sincerely,



John G. Plog, P.E., M.S.  
Public Health Engineer  
Stationary Sources Program  
Air Pollution Control Division

ja

COLORADO DEPARTMENT OF HEALTH  
Air Pollution Control Division

Golden Eagle 50,000 ton  
Surge Pile at New Elk

Permit # \_\_\_\_\_  
(to be filled in by APCD)

FUGITIVE EMISSIONS CONTROL PLAN FOR  
MATERIALS STORAGE AND HANDLING, MINING AND  
ASSOCIATED ACTIVITIES

The Colorado Air Quality Control Commission's Regulation No. 1 requires that a fugitive emissions control plan be submitted by applicants whose source/activity results in fugitive particulate emissions. The control plan must enable the source to minimize fugitive emissions to a level that is technologically feasible and economically reasonable. If the control plan is not adequate in minimizing emissions a revised control plan will be required unless it is determined that no technologically feasible and economically reasonable abatement measures exist. The control plan (if acceptable to the Division) will be used for enforcement purposes on the source(s).

Please check the control measures which you propose for your activity. A separate sheet may be attached explaining your specific control measures or activities if they differ from those listed in this form or if more space is needed. The Division will contact you if it feels that additional control measures are needed. The control measures you and the Division agree to be applied will be enforced.

Those controls likely to be required by the Division are indicated with an \* (minimal controls).

I. Control of Storage of materials and/or tailings disposal describe  
source(s) 50,000 ton coal surge stockpile

\* ☐ A. Watering

- ☐ 1. Typical watering frequency \_\_\_\_\_ times/day \_\_\_\_\_ times/week, or  
\_\_\_\_\_ continuous sprinkler.
- ☒ 2. Maintain 3-5 % surface moisture content of pile (specify  
percentage) Run of mine total moisture 5%, surface moisture 3.0-3.5%,  
inherent moisture 1.5-2.0%  
Is the control measure(s) checked above practiced on weekend and  
holidays? ☐ Yes ☐ No

☐ B. Application of chemical stabilizer

- ☐ 1. Frequency of application \_\_\_\_\_
- ☐ 2. Type of stabilizer (brand name or chemical composition) \_\_\_\_\_

Will the stabilizer be applied according to manufacturers'  
specifications? Yes No

Describe method, dilution and rate of application \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ C. Compacting of piles

Method \_\_\_\_\_

To what specification? \_\_\_\_\_

☐ D. Enclosures (describe if complete or partial, type of material, etc.)

☐ E. Covers (describe) \_\_\_\_\_

\* ☐ F. Revegetate by seeding with or without mulch (circle appropriate items). Types of vegetation \_\_\_\_\_

☐ G. Wind breaks

1. Type

☐ a. Solid: Material (i.e., brick, cement, wood) \_\_\_\_\_

☐ b. Mesh wind screens (state mesh size) \_\_\_\_\_

☐ c. Snow fence or other fence (specify) \_\_\_\_\_

☐ d. Berms (describe) \_\_\_\_\_

☐ e. Vegetation (describe type & spacing of trees or shrubs) \_\_\_\_\_

☐ f. Other (describe) \_\_\_\_\_

2. Description: if claiming wind breaks as a control methodology you must specify height, length and location of piles and wind breaks and provide a map indicating location of piles, wind breaks, and prevailing winds.

☒ H. Other strategies (describe such as pile alignment, upwind facing slope, loadout on downwind side, minimize traffic on and around pile, etc.) Loadout will be accomplished on downwind side

☐ I. No Control

List all other stockpiles and/or disposal areas and describe location, type of material, size and control methodology \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## II. Control of Materials Handling

☒ A. Loadout to grizzly, stockpile, or for final transport (describe loadout) Loadout to stockpile via truck end dump

- ☐ 1. Full enclosure (describe) \_\_\_\_\_
- ☐ 2. Partial enclosure (describe) \_\_\_\_\_
- ☐ 3. Chemical stabilizers (describe) \_\_\_\_\_
- \* ☐ 4. Water spray (describe method & rate of application) \_\_\_\_\_
- ☐ 5. Negative pressure with fabric filter
- ☐ 6. Stacker-height adjustable
- ☐ 7. Telescoping chute
- ☐ 8. No control

List all other loadouts, describe method and control methodology Loadout of stockpile to overland conveyor via front end loader dumping on grizzly.

☒ B. Conveying and transfer points

- ☐ 1. Totally enclosed with negative pressure to a bagfilter.
- ☐ 2. Totally enclosed with water spray or chemical stabilizers (circle one)
- ☐ 3. Totally enclosed.
- ☐ 4. Partially enclosed with water spray or chemical stabilizers (circle one)
- ☒ 5. Partially enclosed.
- \* ☐ 6. Open with water spray or chemical stabilizers (circle one)
- ☐ 7. No control

List all other conveyors and transfer points if control methodology checked above does not apply to all operations \_\_\_\_\_

### III. Control of Mining Activities

#### ☐ A. Vehicle traffic on unpaved surfaces

- \* ☐ 1. Restrict traffic to established roads where practicable.
- \* ☐ 2. Restrict vehicle speed to \_\_\_\_\_ m.p.h. maximum (30 m.p.h. highest acceptable speed) How enforced \_\_\_\_\_
- ☐ 3. Other (explain) \_\_\_\_\_
- ☐ 4. No controls.

#### ☐ B. Blasting

- \* ☐ 1. Sequential blasting (explain) \_\_\_\_\_
- ☐ 2. Stemming
- ☐ 3. Other (explain) \_\_\_\_\_
- ☐ 4. No controls.

#### ☐ C. Disturbed Areas

- \* ☐ 1. Minimize area of disturbance (explain) \_\_\_\_\_
- \* ☐ 2. Revegetation with: \_\_\_\_\_
- ☐ 3. Mulch
- ☐ 4. Chemical stabilizers
- ☐ 5. Maintain \_\_\_\_\_ % surface moisture content (specify percentage)
- ☐ 6. Other (explain) \_\_\_\_\_
- ☐ 7. No control.

### IV. Control of Unpaved Haul Roads

- \* ☐ A. Vehicle speeds limited to \_\_\_\_\_ m.p.h. maximum (30 m.p.h. highest acceptable speed) How enforced \_\_\_\_\_

#### \* ☐ B. Watering

- ☐ 1. Typical watering frequency \_\_\_\_\_ times/day, or \_\_\_\_\_ gallons/mile, or
- ☐ 2. Maintain \_\_\_\_\_ % soil moisture content (specify percentages)

☐ C. Chemical Stabilization

☐ 1. Frequency of application \_\_\_\_\_

☐ 2. Type of stabilizer (brand name or chemical composition) \_\_\_\_\_

Will the stabilizer be applied according to manufacturer's specifications? ☐ Yes ☐ No

Describe method, dilution & rate of application \_\_\_\_\_

☐ D. Paving (attach paving schedule)

☐ E. Gravel

☐ F. Road Carpet (describe) \_\_\_\_\_

☐ G. Other (describe) \_\_\_\_\_

☐ H. No controls

V. Control of Haul Trucks (off site)

☐ A. Covering load (describe type of cover) \_\_\_\_\_

☐ B. Washing/wetting load.

☐ C. Treating surface of load with stabilizer (describe) \_\_\_\_\_

☐ D. Washing outside of vehicle prior to transporting materials.

\* ☐ E. Limiting load size (explain) \_\_\_\_\_

☐ F. Other (describe) \_\_\_\_\_

☐ G. No controls

VI. Control of Mud and Dirt Carryout Onto Paved Surfaces

\* ☐ A. Prevention

☐ 1. Gravel entryways

☐ 2. Washing down vehicle prior to transporting materials.

☐ 3. Covering load.

☐ 4. Limiting load size.

\* ☐ B. Clean up

☐ 1. Frequency \_\_\_\_\_ (generally daily)

☐ 2. Method (describe) \_\_\_\_\_  
(i.e. street sweeper, hose with water, grader, etc.)

☐ C. Other (describe) \_\_\_\_\_

☐ D. No controls

VII. Control of Processing (moisture content of material \_\_\_\_\_ %)

☐ A. Crushing: \_\_\_\_\_ primary \_\_\_\_\_ secondary \_\_\_\_\_ tertiary (check applicable process(es) and indicate which control applies to each).

☐ 1. Cyclone(s) (describe) \_\_\_\_\_

☐ 2. Bagfilter (describe) \_\_\_\_\_

\* ☐ 3. Wet spray (describe) \_\_\_\_\_

☐ 4. Enclosed in building

☐ 5. Other (describe) \_\_\_\_\_

☐ 6. No controls

☐ B. Screening

☐ 1. Wet spray

☐ 2. Enclosed in building

☐ 3. Other (describe) \_\_\_\_\_

☐ 4. No controls

VIII. Control of Miscellaneous Activities

☐ A. Vehicle traffic on paved surfaces.

☐ 1. Sweeping \_\_\_\_\_ times/day \_\_\_\_\_ times/week

☐ 2. Flushing with water \_\_\_\_\_ times/day \_\_\_\_\_ times/week

☐ 3. Other  
(describe) \_\_\_\_\_

☐ 4. No controls.

☐ B. Product transportation by rail

☐ 1. Chemical treatment (describe) \_\_\_\_\_

☐ 2. Oiling \_\_\_\_\_

☐ 3. Other (describe) \_\_\_\_\_

☐ 4. No controls \_\_\_\_\_

Comments: This fugitive control plan covers the operation of the surge pile only.  
This surge pile accepts coal trucked from Golden Eagle and then conveys coal  
over to the stockpiles at the New Elk coal washing facility.

Itemize costs of materials and equipment: \_\_\_\_\_

Signature of person authorized to supply data: David M. Stout

Typed name and title: David M. Stout, Environmental Coordinator Date 1-16-87

Company Name Wyoming Fuel Company Telephone No.: (303)989-5037

Mailing Address 12055 West Second Place, Lakewood, Colorado 80215

COLORADO DEPARTMENT OF HEALTH  
AIR POLLUTION CONTROL DIVISION  
4210 East 11th Avenue  
Denver, Colorado 80220  
(303) 320-4180

Permit No. 84LA074

AIR POLLUTANT EMISSION NOTICE (APEN)  
FUGITIVE DUST

Name of Firm: Wyoming Fuel Company - New Elk Coal Washing

Mailing Address: 12055 West Second Place ZIP 80215

Project Location: 7 miles west of Weston, CO, on State Highway 12 County: Las Animas

Contact Person: Mr. David Stout Phone: (303) 989-5037

Type of Activity: Coal washing

Estimated Starting Date: July 1984 Date of Completion: July 2010

Work Schedule: 16 hours/day 5 days/week 50 weeks/year

Include a schedule for each activity below if substantially different.

DATA REQUESTED BELOW SHOULD REFLECT A TWELVE MONTH PERIOD OF GREATEST ACTIVITY SINCE EMISSIONS ARE ESTIMATED IN TERMS OF TONS PER YEAR FOR THE WORST CASE YEAR.

TOPSOIL

Est. yds. to be Removed: N/A or Est. Scraper-Hrs. required for removal: \_\_\_\_\_

Total Est. amount to be Stockpiled: \_\_\_\_\_ Description of Control: \_\_\_\_\_

A. For future reclamation \_\_\_\_\_

B. For cut and fill activities \_\_\_\_\_

DRILLING

No. of holes required for: N/A Overburden or Ore; \_\_\_\_\_ Coal

Description of Control: \_\_\_\_\_

Frequency of Drilling: \_\_\_\_\_ holes/day \_\_\_\_\_ days/year

BLASTING

Amount of material requiring blasting for removal: N/A

Est. Frequency of Blasting: \_\_\_\_\_ Estimated blasts/day: \_\_\_\_\_ days/year

Type of explosive used: \_\_\_\_\_

PRODUCT REMOVAL

Cubic yards or tons of: N/A Overburden; \_\_\_\_\_ Coal; \_\_\_\_\_ Rock: \_\_\_\_\_ Other

Equipment to be used (end loader, dragline, shovel, etc., include capacities): \_\_\_\_\_

Product Transportation (include on and off property) by conveying and unpaved haul road:

	<u>Capacity</u>	<u>No. of Trucks</u>	<u>No. of Wheels</u>	<u>No. of Trips per day</u>	<u>Ave. Vehicle speed</u>	<u>Mileage per day per Truck</u>
1.						
Haul Trucks: 2.						
3.						
4.						

	<u>From</u>	<u>To</u>	<u>Distance (miles)</u>
Haul Road and Conveyor Distances: 1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Description of controls for unpaved haul roads: \_\_\_\_\_

Description of Controls for Conveyors: \_\_\_\_\_

LOADOUT TO GRIZZLY OR STOCKPILE

Description of loadout (truck bottom dump, truck end dump, conveyor, pneumatic elevator, etc.):

Truck end dump into stockpile

Description of Controls (watering, chemicals, etc.): \_\_\_\_\_

STOCKPILE (RAW) (Surge Pile)

Cubic yds. or tons of: \_\_\_\_\_ Overburden 50,000 Coal \_\_\_\_\_ Rock \_\_\_\_\_  
\_\_\_\_\_ Topsoil \_\_\_\_\_ Other (Describe) \_\_\_\_\_

Method of loading into pile (conveyor, stocker, end loader, etc.): Truck dump from

Golden Eagle Mine.

Controls: None Length of time stockpile remains undisturbed 0 day

LOADOUT FROM STOCKPILE TO PROCESSING

Description of Loadout (bulldozer, conveyor, etc.): Front end loader to grizzly

Description of Controls (watering, chemicals, etc.): None

Loadout schedule: 125 tons/hour 6.4 hours/day 62.5 days/year

125 tons/hr max; 800 tons/day max; 50,000 tons/year max

PROCESSING

Tons/year of Material Subject to: N/A Primary Crushing;          Secondary Crushing

         Tertiary Crushing;          Recrushing;          Fines Mill

         Screening;          % Moisture Content (of raw material)

         % Moisture Content (of finished material)

Description of Controls (bagfilter, spray bars, etc.):   

CONVEYOR AND TRANSFER POINTS (IN PLANT)

Description of Controls for Conveyors: Covered over river

(Indicate on separate diagram if more than one conveyor system is involved)

Number of Transfer Points: 0

Description of Controls for Transfer Points: N/A

Quantity of material conveyed: 50,000 tons/year maximum

STOCKPILE (FINISHED OR PROCESSED MATERIAL)

Cubic yds. or tons of: N/A Coal;          Rock;          Other (describe)

Description of Controls:   

Method of Loading into Pile:   

Length of time stockpile remains undisturbed:                                  days

LOADOUT FROM STOCKPILE FOR FINAL TRANSPORT

Description of Loadout: N/A

Description of Controls:   

Loadout Schedule:                  tons/hour                  hours/day                  days/year



## FINAL TRANSPORT

Method of Transport of Product (Check One); ☐ Haul Truck on paved roads ☒ Rail Car;

☐ Other (describe) N/A

Capacity of Transport Vehicle (tons or yd<sup>3</sup>):                      Haul Truck;                      Rail car

Description of Controls:

Description of Route:

## ROAD MAINTENANCE

Estimated Number Hours of Grader Work Required on Unpaved Roads: N/A (Daily)

(Annually)

## EXPOSED AREAS

Estimated Total Disturbed Acreage Subject to Wind Erosion: 3.0 acres

Time before revegetation: not revegetated Months

Estimated Total Acreage Required for Tailings or Waste Disposal:

Description of Controls and Reclamation Plan: Will be reclaimed with rest of mine at time  
of shut down.

Remarks: This APEN is for Golden Eagle Mine surge pile. Coal is trucked from Golden Eagle to surge pile and dumped. Using front end loader, coal is dumped on grizzly and conveyed over to raw coal stockpiles to go into coal washing.

Signature of Person Legally Authorized to Supply Data: David M. Galt

Typed or Printed Name and Title: David M. Stout

Environmental Coordinator

Date: January 16, 1987