



STATE OF
COLORADO

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

West Elk CO-2020-001

Stark - DNR, Jim <jim.stark@state.co.us>

Wed, Jan 12, 2022 at 9:57 AM

To: rcooley@earthjustice.org, Alli Melton <AMelton@biologicaldiversity.org>, matt@hccacb.org

Cc: Ginny Brannon - DNR <ginny.brannon@state.co.us>, Jason Musick <jason.musick@state.co.us>, Leigh Simmons <leigh.simmons@state.co.us>, Jeff Fugate <Jeff.Fugate@coag.gov>

Please find attached the Division's termination letter and rational letter for the West Elk Mine's CO-2020-001. Please let me know if you have any questions or need any additional information. Thanks and have a great day!

James R Stark
Coal Program Director



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

P 303.866.3567 | C 720.724.0486 | F 303.832.8106
1313 Sherman Street St., Suite 215, Denver, CO 80203
jim.stark@state.co.us | <http://www.drms.colorado.gov>

2 attachments



West Elk CO-2020-001 Termination Notice.pdf
125K



Letter to Weston Norris Regarding Termination of CO-2020-001.pdf
378K



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

1313 Sherman St. Room 215 Denver, CO 80203
P (303) 866-3567 F (303) 832-8106
<https://drms.colorado.gov>

TERMINATION NOTICE FOR NOTICE OF VIOLATION OR CESSATION ORDER FOR COAL OPERATION

TO: Weston Norris

Cessation Order No. **CO-2020-001**
Date NOV or CO Issued: **June 18, 2020**
Mine: **West Elk Mine**
Operator (If **Mountain Coal Company, LLC**
Other than
Permittee):
Mail Address: **5174 Highway 133**
Somerset, CO 81434

Notice of Violation No. **CO-2020-001**
Permit No.: **C-1980-007**
County: **Delta, Gunnison**
Type of Mine: **Underground**

Permittee: **Mountain Coal Company,**
LLC
Mail Address: **5174 Highway 133**
Somerset, CO 81434

Inspector: **James Stark**
Dates of Abatement
Abatement Step # Infraction Abated
1 September 14, 2020
2 January 12, 2022

Rule 5.03.2(5)(d) states:

An authorized representative shall immediately terminate a notice of violation or cessation order by written notice to the person issued the notice or order or his designated agent when such representative determines that all conditions, practices, or violations listed in the notice or order have been abated...

The Division terminates a Notice of Violation or Cessation Order when all conditions, practices, or violations have been abated. That is, it is terminated when the **problem** has been rectified and no longer exists. The processes for appeal of the Notice of Violation and the assessment of civil penalty are not affected by the notice of termination.

Therefore, pursuant to Rule 5.03.2(5)(d), this letter serves as a written Notice of Termination for the above-referenced Notice of Violation or Cessation Order.

If you have any questions, please contact me.

DIVISION OF RECLAMATION, MINING AND SAFETY

Date of Issue: January 12, 2022



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

January 12, 2022

Weston Norris
Mountain Coal Company, LLC
5174 Highway 133
Somerset, CO 81434

Re: West Elk Mine (C-1980-007)
Cessation Order CO-2020-001
Request for Termination

Dear Mr. Norris:

Please find attached the termination form for Cessation Order CO-2020-001(CO) for the West Elk Mine. On October 19, 2021 Mountain Coal Company, LLC (MCC) submitted Minor Revision No. 456 (MR-456) for the West Elk Mine. MR-456 revised previously approved permit text and maps and eliminated all proposed disturbances in longwall panels SS-2, SS-3, and SS-4 in the Sunset Roadless area. With the Division's approval of MR-456, MCC is no longer permitted to conduct ground disturbing activities in the Sunset Roadless area, rendering the CO moot. Any new proposed ground disturbing activities in the Sunset Roadless area will require the submittal and approval of a Technical Revision. As you know, MCC does not maintain legal right of entry for the Sunset Roadless area. This includes any potential redisturbance of the recently reclaimed road spurs and drill pads for longwall panel SS-2.

Please let me know if you have any questions or need any additional information.

Sincerely,

James R Stark
Coal Program Director

