



March 29, 2022

Submitted via email to janet.binns@state.co.us

Mrs. Janet Binns
Environmental Protection Specialist
Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

**RE: New Horizon North Mine
Permit No. C-2010-089
Permit Renewal No. 2 (RN-02)**

Dear Mrs. Binns:

Elk Ridge Mining and Reclamation, LLC (Elk Ridge) operates the New Horizon North Mine. Tri-State Generation and Transmission Association, Inc. (Tri-State) is the parent company of Elk Ridge. The New Horizon North Mine operates under Colorado Division of Reclamation, Mining and Safety (CDRMS) Permit No. C-2010-089.

Tri-State received the Division adequacy review of the New Horizon North permit renewal application (RN-02) dated March 14, 2022, and has the following responses to the Division's concerns:

1. *There are no adequacy issues related to groundwater monitoring that should delay the approval of RN-2.*

Response: No response required.

2. *The PAP has clearly established groundwater points of compliance where impacts to groundwater quality will be assessed.*

Response: No response required.

3. *Groundwater in the area has not been classified by the Colorado Water Quality Control Commission (it is not listed in REGULATION NO. 42 - SITE-SPECIFIC WATER QUALITY CLASSIFICATIONS AND STANDARDS FOR GROUNDWATER), so the applicable standard at the point of compliance (POC) wells is the Interim Narrative Standard (INS) from REGULATION NO. 41 - THE BASIC STANDARDS FOR GROUNDWATER.*

Response: No response required.



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4. *Although baseline data prior to 1994 does not exist, the groundwater monitoring plan established at the mine is such that it is appropriate to use more recent data from the site when applying the INS (as opposed to relying on table values from Reg. 41).*

Response: No response required.

5. *It is premature for the Division to consider terminating the groundwater monitoring program at this point, so a final evaluation of impacts to groundwater cannot yet be made. If the operator wants to establish numerical parameter values to be used when applying the INS at the POC wells in the future, I would encourage them to submit a Technical Revision with suggested values and a rationale. From my reading of section 2.05.2 of the PAP it appears that monitoring of GW-N56, 57 and 58 preceded the mining of any coal at the site, although I would ask for further clarification on the precise times of the different stages of disturbance.*

Response: It should be noted that Tri-State did not request to terminate the groundwater monitoring program in any manner under the RN-02 application. It is concerning to Tri-State that the Division is alluding to the fact that Tri-State made this assertion when it has not occurred. No additional response is required.

6. *Owner and control: Section 2.03.4(3)(b) "Relationship of the controlling persons to the applicant:" ERM has provided begin dates for Tri-State Board of Directors officers and members. However, only the year, and sometimes the month and year the individual began their office is noted. Please provide Month, date, and year that officers and board members began, and/or ended their office.*

Response: The month, day, and year for controlling persons for the applicant have been provided in Section 2.03.4(b) as requested.

7. *RN2 Reclamation Cost Estimate: The total for all remaining tasks at the New Horizon North Mine is **\$1,164,762**. The Division's estimate accompanies this letter. The current surety held by the Division for the New Horizon North Mine is \$2,617,883.57.*

Response: Tri-State has reviewed the Division's reclamation cost estimate (RCE) for the RN-02 and has the following comments:

- a) Tasks 011, 020, and 022. First, there has never been a permitted East Coast Gate Road (Task 020) at the New Horizon Mine. The Division cannot hold bond to reclaim a road that has never been permitted nor constructed at mine site. Second, the Division has approved Phase I bond release for the West Haul Road (Task 011) and the South Access Road (Task 022); therefore, the Division cannot continue to hold bond for roads that have already been reclaimed and achieved Phase I bond release. Documentation of the location of these two roads was provided via email to the Division on March 23, 2022.



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- b) Task 095. All facility related structures at the New Horizon Mine have been removed and the remaining structures that are approved to be in the permit area at this time are provided on Map 2.05.3(3)-1. The only structures that are approved by the Division to be on-site are a well and some power pole/yard lights. The Division needs to remove Task 095 from the RCE as the structures listed under this task are not on-site nor are they approved to be within the permit boundary.

If you should have any further questions about this adequacy response, please contact Tony Tennyson at (970) 326-3560 or ttennyson@tristategt.org.

Sincerely,

DocuSigned by:

Chris Gilbreath

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Chris Gilbreath
Senior Manager
Remediation and Reclamation

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Enclosures

cc: Tony Tennyson (via email)
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