



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

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## New Elk Mine, C-1981-012, MR132

1 message

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Wed, Nov 9, 2022 at 8:40 AM

To: Nick Mason <nmason@newelkcoal.com>

Cc: Brock Bowles <brock.bowles@state.co.us>

Hello Nick,

Please see the enclosed adequacy review letter for MR132. We have one remaining issue that hopefully will not take too long to address. Please see the attached letter for details and let me know if you have any questions.

The decision date is November 18, 2022. If you need additional time to address these issues please request an extension of the decision date.

Thank you,

Jared

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Jared Ebert

Senior Environmental Protection Specialist



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

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**MR132\_NewElkMine\_C1981012\_AdequacyReview3\_9Nov2022.pdf**  
345K



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

November 9, 2022

New Elk Coal Company, LLC.  
Attn: Nick Mason  
12250 Highway 12  
Weston, Colorado 81091

**RE: New Elk Mine, C-1981-012, Minor Revision No. 132 (MR132)  
Adequacy Review #4**

Dear Mr. Mason,

The Colorado Division of Reclamation, Mining and Safety (DRMS or Division) received Minor Revision No. 132 (MR132) on August 19, 2022 from New Elk Coal Company, LLC (NECC). MR132 was deemed complete and filed on August 22, 2022. The Division is required to issue a decision on the application by November 18, 2022. NECC responded to the Division's third adequacy review on November 4, 2022. The following adequacy issues listed below were identified in the Division's third adequacy review letter. Adequacy items that have been resolved have been deleted from the list, issues that remain outstanding or if additional information is needed are discussed below. Please address the following issues:

**Rule 2.03.5 – Compliance Information**

- B. Attached is a report dated November 1, 2022 from the Applicant/Violator System (AVS) from the Office of Surface Mining, Reclamation and Enforcement (OSMRE). The report indicates Black Warrior Minerals, Inc. was cited for a recent violation in August of 2022. Therefore, please update permit Section 2.03.5(1)(c) with the information required by Rule 2.03.5(1)(c) pertaining to this violation.
- a. **NECC Response:** The violation for Black Warrior Minerals, Inc. has been added to section 2.03.5.
  - b. **DRMS Response:** The information regarding the violation at the Black Warrior Minerals, Inc.'s operation does not include all of the information required by Rule 2.03.5(1)(c). Please revise this page to include all of the required information.

The Division is required to issue a decision on the application by November 18, 2022. If you need additional time to address the Division's adequacy review items, please request an extension of the decision date. If the decision date arrives and there are outstanding adequacy review items, the Division will issue a proposed decision to deny the application.



If you have any question, please do not hesitate to contact me at [Jared.Ebert@stat.co.us](mailto:Jared.Ebert@stat.co.us) or at (303) 866-3567 extension 8120.

Sincerely,



Jared Ebert  
Senior Environmental Protection Specialist

EC: Nick Mason, NECC. [nmason@newelkcoal.com](mailto:nmason@newelkcoal.com)  
Brock Bowles, DRMS