

mine water was allowed to discharge from Pond 1 to the Purgatoire River.

Water generated within the old Allen mine workings, flows by gravity flow to and is still accumulating within the lower elevations of the mine. This water level is monitored periodically by mine personnel. As the water level approaches the elevation of the Bates mine workings (7350'), the water will be pumped to Pond 001 to avoid seepage into the Bates mine. Water pumped from the mine will not exceed the rated pump capacity of 700 gallons per minute. Any discharges to the river will be sampled in accordance with the NPDES permit.

Any excess pond capacity is used for water storage to supplement mining and preparation plant requirements to the extent water is available from water rights leased by NECC. The primary spillway for Pond 1 is a 24-inch diameter corrugated metal pile. NECC installed a 10" diameter flow meter at the end of the primary spillway to satisfy the Division of Water Resources request for a flow-measuring device. A 10" diameter flow meter has a capacity of 1,800 gallon per minute.

Section 2.05 Figure 5 provides design criteria and proposed cross-sections for pond 001. The location of pond 001 is shown on Map 13 Sheet 1, Sediment and Surface Water Control Plan-East Portal. Coal processing waste (from sediment pond clean-out) and remnant coal stockpile debris was removed from the pond site and disposed of at the Development Waste Pile (DWP) prior to pond construction.

#### (5) Topsoil

A majority of the disturbance at the New Elk Mine occurred prior to existing regulations on salvaging topsoil. As such, only a limited amount is available for reclamation. The exception to this is the refuse disposal area (RDA), which was permitted in 1984. The following discussion addresses the soil handling practices in the RDA and a plan for top soiling all surface disturbed areas at the New Elk Mine.

RDA soils inventory results estimated 6 to 12 inches of topsoil could be removed from the area. Section 2.05 Table 24, Soil Balance for Refuse Disposal Area, represents a topsoil balance for the life of the refuse pile. In calculating the soil balance presented in Table 24, the operator utilized an average stripping depth of 13 inches. It was further assumed that 9 inches of topsoil would be used in reclamation, to accommodate slopes and benches within the area. The 0.75 feet of topsoil will be placed on 3.25 feet of non-toxic growth medium acquired from below the topsoil. For the new lift of the RDA proposed in TR-77, topsoil and subsoil will be salvaged and stored in temporary stockpiles east of the RDA (Map 24) or applied directly to the reclamation of the next bench of the RDA. Area for these stockpiles is 0.59 acres and will contain the volume of material salvaged from the next lift.