

April 4, 2024

New Elk Coal Company, LLC.

Attn: Chris Walker

12250 Highway 12

Weston, Colorado 81091

**Re: New Elk Mine; C-1981-012
First Quarter 2024 Pond Inspection Report Review**

Dear Chris Walker/Whom It May Concern,

The Colorado Division of Reclamation, Mining and Safety (Division) received the above referenced report on March 26, 2024. The Division finished its review and the report appears to be in compliance with Rule 4.05.9(17). The report included inspection report forms for each of the ponds inspected.

The ponds were inspected on March 26, 2024. No appearances of structural weaknesses or hazardous conditions were noted.

It has been noted on the previous reports, and on this report, that sediment in Containment #5 was cleaned in 2022 and that it will need to be cleaned of sediment in the coming months.

- **Please clarify as to whether this has been completed in 2023, or if it still needs to be done. If so, please clean sediment from Containment #5 by the next quarter's report.**

It was noted that water had been pumped into Pond 004 recently from Ponds 006A and 007A. However, during the Division's March 28, 2024 inspection, the Operator stated that water had not been pumped into Pond 004 since the pumping had ceased for the season.

- **Please clarify this discrepancy.**

In the section for Pond 006A, it was noted that water had been pumped from Pond 006A to Ponds 004. However, during the Division's March 28, 2024 inspection, the Operator stated that water had not been pumped into Pond 004 since the pumping had ceased for the season.

- **Please clarify this discrepancy.**

In the section for Pond 006A, it was noted that the processing plant is operation and is sparingly placing water in the pond. However, it is the Division's understanding that the mine has been in temporary cessation, and the plant has not been operating.

- **Please clarify this discrepancy.**



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In accordance with Rule 4.05.9(17), please retain a copy of the reports at or near the mine site.

If you have any questions feel free to contact me at amber.gibson@state.co.us or (720) 836-0967.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber M. Gibson". The signature is fluid and cursive, with the first name "Amber" and last name "Gibson" clearly distinguishable.

Amber M. Gibson
Environmental Protection Specialist

Ec: John Terry; NECC, jterry@newelkcoal.com
Jared Ebert, DRMS