

STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY

Department of Natural Resources

1313 Sherman St., Room 215

Denver, Colorado 80203

Phone: (303) 866-3567

FAX: (303) 832-8106



20 June 2013

John W. Hickenlooper
Governor

Mike King
Executive Director

Loretta E. Pifeda
Director

Douglas C. White, P.E.
Director of Technical Services
Western Fuels Association, Inc.
12050 N. Pecos St., Suite 100
Westminster, CO 80234

**Re: New Horizon North Mine – Permit No. C-2010-089
Technical Revision No. 2 (TR-02) – Overburden Blasting
Preliminary Adequacy Review**

Dear Mr. White:

The Division received the TR-02 application on March 7, 2013. This technical revision replaced Minor Revision No. 3 (MR-03), which was withdrawn by Western Fuels at the Division's request. The application was determined to be complete, for purposes of filing, on March 21, 2013. The Division notified the Air Pollution Control Division and the Montrose County Commissioners and Planning Office of the application's completeness.

Public Notice of the application was published by Western Fuels in the San Miguel Basin Forum on March 28, 2013, as evidenced by the proof of publication submitted to the Division on April 2, 2013. The ten-day period for public comment came to a close on April 8, 2013; no comments were received from agencies or the general public. The original due date for the Division's decision was May 20, 2013. An extension to the date has since been granted – to June 24, 2013.

TR-02 proposes to revise Section 2.05.3(6)(a) - Overburden Blasting of the permit, and incorporates new Attachments 2.05.3(6)(a)-1 through -4. A revised Map 2.05.3(6)(a)-1, Blast Notification – ½ Mile Radius, was also submitted. The Division has reviewed these materials for compliance with the rules which govern blasting, specifically 2.05.6(3)(a) Overburden (Blasting) and 4.08 (Explosives). A list of adequacy comments is provided for your consideration and response.

1. The proposed permit text is organized in such a way that direct comparison with the rules has proved to be a challenge. We are therefore unable to verify that the application adequately addresses a number of the specific requirements. What follows is a list of those rules that do not appear to have been addressed in the application:

2.05.3(6)(a)(ii), (iv), and (v);
4.08.1(4);
4.08.2(3);
4.08.3(1)(b);
4.08.3(3)(a);
4.08.4(1)(b);
4.08.4(6)(c);
4.08.4(7);
4.08.4(9);
4.08.5; and
4.08.6(1) and (2)

Please review the proposed text, and clarify or revise, as appropriate.

2. Please identify, on the map and in the text, which structures are located within 1,000 feet of blasting operations.

This concludes the Division's Preliminary Adequacy Review for TR-02. Please respond to these items at your earliest convenience. You are welcome to contact me with any questions you may have.

Sincerely,



Marcia L. Talvitie, P.E.
Environmental Protection Specialist

cc: Sandy Brown, DRMS