

**Compatibility Analysis of CAP Recommendations**  
**Table Version of GCC's 11-18-15 Proposal**

Received Dec. 11, 2015

	<b>CAP Recommendations 7.8.15</b>	<b>GCC's Proposal</b>
Traffic	1. Effective Immediately GCC Energy shall reduce impacts to CR 120N by decreasing the number of coal haul trucks using 120N to 2010 levels until improvements to CR 120N have been completed	<ul style="list-style-type: none"> <li>It is not feasible to immediately reduce coal truck count. GCC Energy is bound by sales contracts. However, numerous mitigation measures to address safety, noise and dust have been either put in place or proposed.</li> </ul>
	2. Effective immediately coal haul trucks will cease operations on CR 120 from 10 pm – 6 am Mon. to Sat. and from 10 pm Sat. until 6 am Mon. for the life of the coal mine	<ul style="list-style-type: none"> <li>GCC has partially met this request by voluntarily suspending coal loading and hauling on Sunday.</li> <li>Subject to the agreed terms of an RIA between GCC Energy, LLC and La Plata County</li> </ul>
	3. If/when the number of coal haul trucks exceed 144 per day a separate coal haul road shall be installed and maintained at GCC Energy's expense. The haul road must address our desire to alleviate the negative impacts associated with the coal haul trucks.	<ul style="list-style-type: none"> <li>The option of a dedicated haul route was evaluated and was determined to be unfeasible. A combination of terrain and potential route options would not have significantly reduced impacts for the majority of CR 120 North residents.</li> </ul>
	4. As a contingency of the Class II Land Use permit the applicant shall immediately begin the upgrades and improvements, including replacing culverts, to CR 120 N from the mine entrance to SH 140. All upgrades shall be complete no later than Jan. 1, 2017.	<ul style="list-style-type: none"> <li>Subject to the agreed terms of an RIA between GCC Energy, LLC and La Plata County</li> <li>Paving and widening of CR 120 at MP 0.3, extension of Big Stick Ditch culvert was completed in November, 2015.</li> </ul>
	5. Additional measures shall be taken to reduce truck noise levels to 80 dB or less with continuous noise level monitoring to ensure compliance.	<ul style="list-style-type: none"> <li>GCC has established policies to reduce truck speeds to reduce noise, established requirements for truck mufflers, and prohibited the use of jake brakes on CR 120.</li> <li>Additional measures may be undertaken pending results of the December, 2015 Wave Engineering noise study, completed in response to the Aimone-Martin report.</li> </ul>
	6. LPC officials establish a 25 MPH speed limit for trucks having a GVW if greater than 20,000 pounds, on gravel and leaving the mine loaded with coal and 35 MPH for all other traffic using CR 120. Additionally, GPS monitoring increased speed enforcement should be required.	<ul style="list-style-type: none"> <li>Posted truck speed limits have been reduced on CR 120 North</li> <li>GCC conducts speed monitoring and enforcement at irregular intervals on CR 120 and SH 140.</li> </ul>
	7. Effective immediately GCC Energy should establish a dedicated phone number to report safety concerns or violations.	<ul style="list-style-type: none"> <li>Done.</li> </ul>
	8. Impose road use fee on GCC Energy for the expensive, annual costs associated with keeping CR 120 N out of disrepair and safe for residents to travel on.	<ul style="list-style-type: none"> <li>Contained in the provisions of a Road Improvement Agreement between La Plata County and GCC Energy</li> </ul>
Water	9. Bureau of Land Management (BLM) should conduct a full Environmental Impact Study (EIS) including a hydrological study to establish a baseline for quantity and quality of the aquifers surrounding the King II mine and the Hay Gulch area.	<ul style="list-style-type: none"> <li>This refers to a Federal matter and is outside the scope of the Class II process. However, geohydrological studies have been conducted.</li> </ul>
	10. As part of the water monitoring plan GCC Energy shall establish a minimum of six monitoring wells for the purpose of identifying contamination and depletion of aquifers below the mine and in the surrounding areas.	<ul style="list-style-type: none"> <li>This is addressed by the groundwater monitoring provisions of the existing CDRMS mining permit, and Technical Revision #26 to the CDRMS permit (TR-26 is pending approval).</li> </ul>
	11. Baseline establishment and continuous monitoring of water quality shall use guidelines established by the CO Mined Land Reclamation Division Table 1 (Ground Water) Section A (Suggested Water Quality Parameters). Additionally, the results fo the chemical analysis shall be posted on a public access web site at least monthly.	<ul style="list-style-type: none"> <li>This is addressed by the groundwater monitoring provisions of the existing CDRMS mining permit, and Technical Revision #26 to the CDRMS permit (TR-26 is pending approval).</li> <li>All results of water monitoring are in the public record.</li> </ul>
	12. All regulatory agencies including LPC, DRMS, OSM, and the BLM should strongly consider the impacts of GCC's current plan for draw down of nearby non-tributary water zones.	<ul style="list-style-type: none"> <li>This is under the jurisdiction of Division of Water Resources. GCC presently has no plans to draw water from local wells.</li> </ul>
Health	13. To ensure the health and safety of nearby residents, GCC Energy shall install a minimum of four continuous air monitors at various locations along 120N that will identify unhealthy air quality including particulates, dusts, fumes, vapors and gasses. Action levels consistent with NIOSH recommendations shall be established and specific action shall be taken to reduce thresholds to below accepted levels. Results shall be recorded and posted on a public access web site.	<ul style="list-style-type: none"> <li>Establish monitoring procedures identified by Wave Engineering follow up to Aimone-Martin study.</li> <li>Dust will be mitigate to the extent necessary by application of additional water and magnesium chloride</li> </ul>

Noise	14. Reduce noise levels of mine operations and truck traffic to acceptable limits of no more than 80 dB during the hours of 6am-10pm. Residential noise level limits of no greater than 50 dB should be enforced between the hours of 10pm and 6am. The use of “Jake Brakes” by truck drivers on CR 120 shall be restricted.	<ul style="list-style-type: none"> <li>• Results of the December, 2015 noise study will assist in determining the extent of additional mitigation.</li> <li>• Quiet pavement surfaces will be adopted during road improvements</li> <li>• A jake brake prohibition is already in place.</li> </ul>
Vibration	15. GCC Energy shall establish an operations policy to ensure that vibration caused by the continuous miner and drilling is minimized so as to not impact near-by residents.	<ul style="list-style-type: none"> <li>• Studies completed in 2013 and 2014 determined that mine operations did not induce perceptible vibration</li> <li>• The Aimone-Martin report reviewed the data and results of the previous studies and supported the conclusion</li> </ul>
Subsidence	16. To ensure that near-by resident’s property is not impacted by the potential for subsidence, the boundaries of Tract E of the proposed expansion should be reduced to no less than 1000’ from the nearest residential structure.	<ul style="list-style-type: none"> <li>• Subsidence is regulated by CDRMS which prohibits mining activity within 300’ of a dwelling unless owner signs a waiver</li> <li>• This is further interpreted to include the angle of draw, which results in a 600’ protected radius.</li> <li>• GCC will offer to establish survey monuments near residences within a 1000’ radius of mining activities to verify that mining activities have not been affected by subsidence.</li> </ul>
Regulatory Compliance	17. As a contingency for approval of the permit, GCC Energy shall ensure that all local, state, and federal laws and regulations are in compliance and full transparency and availability of filings are made public. Any expansion of the mine operations shall require a new Class II Land Use permit.	<ul style="list-style-type: none"> <li>• All permits and associated tests and reports are a matter of public record unless deemed confidential.</li> </ul>
	18. La Plata County should immediately adopt CO DOLA 1041 policies to allow LPC greater control over particular development projects.	<ul style="list-style-type: none"> <li>• Outside the scope of this action.</li> </ul>
	19. Effective immediately GCC Energy shall be required to pay appropriate road impact fees to pay for damage caused by the trucking operations. These road impact fees shall be allocated directly to CR 120N. HGCAP recommends La Plata County implement appropriate financial penalties for non-performance of any conditions to the Land Use Permit or interim conditions set.	<ul style="list-style-type: none"> <li>• Subject to the agreed terms of an RIA between GCC Energy, LLC and La Plata County</li> </ul>
Quality of Life	20. There can be no doubt about the negative impacts the unchecked growth has caused to the health, safety, and quality of life of near-by residents. At a minimum GCC Energy should do everything reasonably possible to mitigate those negative impacts to the surrounding community with focus on the above-mentioned issues.	<ul style="list-style-type: none"> <li>• Mine portal operations are not expected to expand. Therefore there will be no additional impacts to adjoining or nearby residents</li> <li>• Impacts to residents along CR 120 are addressed through mitigation measures. <ul style="list-style-type: none"> <li>○ Policies to reduce truck speeds to reduce noise and improve safety.</li> <li>○ Monitoring of truck speeds on CR 120 and CO 140</li> <li>○ Establishment of a dedicated phone number as a “truck safety” hotline</li> <li>○ Interim improvements at MP 0.3 to improve safety</li> <li>○ Procedures to address truck exhaust noise</li> <li>○ Jake brake prohibition</li> <li>○ Suspension of Sunday trucking</li> <li>○ Aggressive dust control on CR 120</li> <li>○ Suspension of trucking during snow events</li> </ul> </li> </ul>
	21. GCC Energy should begin immediate discussions and negotiations with residents living on Cr 120 N regarding compensation for causing a decrease in property values and quality of life for those residents impacted the most.	<ul style="list-style-type: none"> <li>• Outside of the scope of this analysis</li> </ul>