



COLORADO

Department of Public Health & Environment

Air Pollution Control Division Compliance Advisory

Sent via Electronic Mail

Case No. 2026-227

Mailing Date: August 20, 2026

AIRS No. 051-0015

Source Contact: Jessica Wilczek

Inspection Date: June 30, 2026

In the Matter of Mountain Coal Company, LLC

I. Introduction

This Compliance Advisory provides formal notice, pursuant to § 25-7-115(2), C.R.S., of alleged violations or noncompliance discovered during the Air Pollution Control Division's ("Division") inspection and/or review of records related to Mountain Coal Company, LLC's Facility identified below. The Division is commencing this action because it has cause to believe that the compliance issues identified below may constitute violations of the Colorado Air Pollution Prevention and Control Act (the "Act") and its implementing regulations.

Please be aware that you are responsible for complying with applicable State air pollution requirements and there are substantial penalties for failing to do so. Pursuant to the enforcement authority provided the Division by § 25-7-115, C.R.S., any person who violates the Act, its implementing regulations or any permit issued thereunder may be issued an order for compliance that can include permit revocation and assessment of penalties in accordance with § 25-7-122, C.R.S. The issuance of this Compliance Advisory does not in any way limit or preclude the Division from pursuing additional enforcement options concerning this inspection/review. Also, this



Compliance Advisory does not constitute a bar to enforcement action for violations not specifically addressed in this Compliance Advisory. The Division is currently evaluating whether any other violations occurred due to the increased emissions cited in this Compliance Advisory.

Failure to respond to this Compliance Advisory by the date indicated at the end of this Compliance Advisory may be considered by the Division in the subsequent enforcement action and the assessment of penalties. Furthermore, the Division’s enforcement process contemplates a full and final resolution of the compliance issues herein addressed, and those that may result from further review, in a timely manner. If at any time throughout the process of reaching such a resolution the Division determines that the Parties cannot agree to the dispositive facts, compliance requirements and/or penalty assessments (if any) associated with this Compliance Advisory, or a resultant enforcement action, the Division may exercise its full enforcement authority allowed under the law.

II. Facility Information

Mountain Coal Company, LLC (“MCC”) owns and operates the West Elk Mine, located at 5174 Highway 133, Somerset, Gunnison County, Colorado (“Facility”). The Facility is subject to the terms and conditions of the Colorado Operating Permit Number 20OPGU411, issued to MCC on December 8, 2023 and last revised on October 9, 2024 (“Permit Number 20OPGU411”), Colorado Air Quality Control Statutes, and Colorado Air Quality Control Commission (“AQCC”) Regulations.

The following equipment at the Facility is relevant to this enforcement action:

Table 1: Equipment Description

AIRS Point	Equipment Description
019	Mine Ventilation Airshafts (“MVA”) - AIRS: 019, Coal mine ventilation air exhaust shaft and portal
026	Mine Ventilation Boreholes (“MVB”) - AIRS: 026, Exhauster pumps from mine ventilation boreholes

III. Alleged Violations and Facts

On June 30, 2026, Ben Cappa, of the Division, conducted a partial compliance evaluation of the Facility. Based on this evaluation, the Division identified the following compliance issue:

- A. Pursuant to Permit Number 20OPGU411, Section II, Conditions 1.1 and 6.1, volatile organic compound emissions (“VOC”) at AIRS Points 026 and 019 shall not exceed 465 tons per year (“tpy”). Pursuant to Permit Number 20OPGU411, Section II, Conditions 1.1.2 and 6.1.3, a twelve-month rolling total of emissions will be maintained to monitor compliance with the annual emission limitation. By the end of each month, a new twelve-month total shall be calculated using the previous twelve months’ data. Note that the VOC emission limit in this condition is for both the MVA and MVB (AIRS 019 and 026) emissions which shall be summed together to demonstrate compliance with the limit.

As described in Table 2 below, MCC is failing to limit the total MVA and MVB VOC emissions at AIRS Points 019 and 026 to 465 tpy, violating Permit Number 20OPGU411, Section II, Conditions 1.1, and 6.1.

Table 2: Total MVA and MVB VOC Emissions Totals

Rolling 12-Month Period Ending	MVA and MVB VOC Emissions (tpy)
January 2026	535
February 2026	734
March 2026	1,452
April 2026	1,607
May 2026	1,723

It is important to resolve the above-referenced issues as soon as possible. Therefore, the Division encourages MCC to immediately identify those compliance issues that are not in dispute and to rectify those issues before the upcoming Compliance Advisory meeting. The Division also requests that MCC provide the Division with a brief written response to the alleged violations (“Source Response”). The Source Response should identify the undisputed compliance issues and, if an alleged violation is disputed, the basis for the dispute. The Division requests that MCC provide the Source Response to the attention of Paige Flores no later than ten

business days before the Compliance Advisory meeting. At the upcoming meeting, the Division will confirm the actions taken to rectify the undisputed compliance issues and proceed with unresolved matters as outlined below.

If you have any questions regarding this Compliance Advisory, the Division's enforcement processes, or any related issues, please contact the Division personnel identified below.

IV. Compliance Advisory Meeting

MCC is requested to contact the Division and schedule a meeting to:

1. Discuss the disputed Compliance Advisory issues and answer any remaining questions;
2. Submit information necessary to successfully show that the deficiencies and noncompliance issues (or any portion of them) are not violations of Colorado's air pollution laws; and
3. Establish a mutually acceptable schedule and guidelines for the full and final resolution of any remaining deficiencies and noncompliance issues in a timely manner.

Please contact **Paige Flores** via telephone at **303-692-3168** or e-mail at **paige.flores@state.co.us** by no later than **August 27, 2026** to schedule a meeting with the Division to discuss the Compliance Advisory. In accordance with § 25-7-115(3)(a), C.R.S., the Compliance Advisory meeting will be held within thirty (30) days of the Division's issuance of the Compliance Advisory in this matter.

To ensure meaningful communication with all Coloradans, the Division offers free language services. Please let us know if we can provide an interpreter for anyone attending the Compliance Advisory meeting.

cc: Shannon McMillan, APCD
Tyler Dondero, APCD
Sarah Acosta, APCD
Heather Wuollet, APCD
Beth Pilson, APCD
Paul Carr, APCD
Jeffrey Bishop, APCD
Tom Lovell, APCD

Elizabeth Scherer, APCD
Ben Cappa, APCD
Jason Long, APCD
Scott Patefield, EPA (Region VIII)
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Robin Wille, Attorney General's Office
Laura Steel, Attorney General's Office
Laura Terlisner Mehew, Attorney General's Office
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