




COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY COAL PROGRAM INSPECTION REPORT



PERMIT INFORMATION

Permit Number: C-1981-012 Mine Name: New Elk Mine Operator: New Elk Coal Company, LLC Operator Address: Mr Ron Thompson 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Underground Permit Status: Temporary Cessation Ownership: Private
	Operator Representative Present: Greg Smith, Bobby Steele
Operator Representative Signature: (Field Issuance Only)	

INSPECTION INFORMATION

Inspection Start Date: November 5, 2013 Inspection Start Time: 12:15 Inspection End Date: November 5, 2013 Inspection End Time: 15:00	Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Snowing
Joint Inspection Agency: None	Joint Inspection Contacts:
Post Inspection Agency: None	Post Inspection Contacts:
Inspector(s): Leigh D. Simmons	Inspector's Signature:  Signature Date: November 13, 2013

Inspection Topic Summary

NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable

N - Air Resource Protection	R - Roads
N - Availability of Records	N - Reclamation Success
N - Backfill & Grading	N - Revegetation
R - Excess Spoil and Dev. Waste	N - Subsidence
N - Explosives	N - Slides and Other Damage
N - Fish & Wildlife	N - Support Facilities On-site
R - Hydrologic Balance	R - Signs and Markers
R - Gen. Compliance With Mine Plan	N - Support Facilities Not On-site
N - Other	N - Special Categories Of Mining
N - Processing Waste	R - Topsoil

COMMENTS

This was a partial inspection by Leigh Simmons of Colorado Division for Reclamation, Mining and Safety, (the Division). The inspection was accompanied by Greg Smith and Bobby Steele of New Elk Coal Company, (NECC). The weather was foggy with light snow in the air and a couple of inches of snow on the ground.

Several permitting actions are in progress, these are detailed under the heading GENERAL MINE PLAN COMPLIANCE.

Two recent enforcement actions have now been abated and terminated; details are given under the heading ENFORCEMENT ACTIONS.

The New Elk Mine continues in Temporary Cessation whilst NECC searches for investors and coal customers. Work had taken place to remove equipment from underground, although the portals had not been sealed at the time of the inspection.

A recent approach had been made by a representative of Omnis Mineral Technologies to NECC, enquiring about re-processing the refuse and development waste piles to extract coal fines and produce pellets of metallurgical coal for export. The idea was in its infancy at the time of the inspection.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

The temporary DWDA, adjacent to the soil storage area, had been tidied up and the surface drainage had been improved.

Following the repairs made to Ditch D14, **the toe of DWDA2 needs to be re-shaped so that the slope is in accordance with the approved design.** Although there is a tentative plan to re-process the development waste, the feasible time-scale for this project, if it were to go ahead, means that the waste pile will need to be re-graded anyway.

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2

HYDROLOGIC BALANCE - Rule 4.05

Drainage Control 4.05.1, 4.05.2, 4.05.3; Siltation Structures 4.05.5, 4.05.6; Discharge Structures 4.05.7, 4.05.10; Diversions 4.05.4; Effluent Limits 4.05.2; Ground Water Monitoring 4.05.13; Surface Water Monitoring 4.05.13; Drainage – Acid and Toxic Materials 4.05.8; Impoundments 4.05.6, 4.05.9; Stream Buffer Zones 4.05.18:

Ditch D14 had been restored, abating CV2013007.

The two “railroad culverts” at the far east end of the site, C86 and C87, had been cleared at either side. A little shovel-work was needed to finish the job.

The material around culvert C3 had been cleaned up.

The clean-water ditch downstream of culvert C30, at the west end of the topsoil stockpile SAE, had been armored. This work has made the ditch much more effective.

Culvert C14 had been cleaned.

The project on the east side of the RDA was largely complete. Some material remained to be moved, although this is not urgent. Mr Steele described plans to do some more grading to ensure that surface water is conducted into culvert C41 rather than continue to flow down the light use road or underneath the conveyor and down the slope to pond 8.

The C16 system of culverts is the next major project for NECC to tackle.

GENERAL MINE PLAN COMPLIANCE:

TR68 was found complete and is currently under review for adequacy by the Division.

TR67 and PR4 were withdrawn.

The proposed decision due date for MR120 was extended to December 31, 2013. Currently the Division is waiting on a response to the last adequacy letter.

ROADS – Rule 4.03

Construction 4.03.1(3)/4.03.2(3); Drainage 4.03.1(4)/4.03.2(4); Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6); Reclamation 4.03.1(7)/4.03.2(7):

The roads were generally in good order around the site. The light use road beside the RDA had been improved to the point where it was passable in a suitable vehicle.

SIGNS AND MARKERS – Rule 4.02:

The mine ID signs at the east and west end of the site, on highway 12, had been updated to include the phone number for the Division. Other signs were not checked, but all should be altered in the same way.

TOPSOIL – Rule 4.06

Removal 4.06.2; Substitute Materials 4.06.4(4); Storage and Protection 4.06.3; Redistribution 4.06.4:

Mr Steele described plans to tidy up the soil stockpiles, in a similar way to the temporary DWDA, in order to improve the surface drainage.

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DOCUMENTS RECEIVED

N/A

OTHER (SPECIFY)

N/A

ENFORCEMENT ACTIONS/COMPLIANCE**Infraction Number:** CV2013007

Inspection Date: July 23, 2013

Date Issued: August 22, 2013

Primary Topic: Hydrologic Balance

Description: Failure to treat surface drainage from a disturbed area before leaving the permit area, in violation of Rule 4.05.2(1)

All abatement actions have now been completed. The violation has been terminated. A notice and order to pay fixed penalty has been sent to NECC by registered mail.

Infraction Number: CV2013008

Inspection Date: July 23, 2013

Date Issued: August 22, 2013

Primary Topic: Hydrologic Balance

Secondary Topic:

Tertiary Topic:

Description: Failure to maintain ditches, culverts and berms in compliance with the approved design, in violation of Rule 2.07.7(7).

All abatement actions have now been completed. The violation has been terminated. A notice and order to pay fixed penalty has been sent to NECC by registered mail.

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PHOTOGRAPHS

Photo 1: Mine ID sign (west)



Photo 2: Mine ID sign (east)



Photo 3: Mine ID sign (main gate, needs updating)



Photo 4: Newly armored ditch below C30



Photo 5: Newly armored ditch below C30 (2)



Photo 6: C14, and ditch, cleaned

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Photo 7: Ditch D14, restored

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Photo 8: Ditch D14/Culvert C13 sump

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Photo 9: DWDA2, toe to be re-graded

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Photo 10: "Railroad culvert" C 87



Photo 11: "Railroad culvert" C86



Photo 12: Clean up around C3



Photo 12: Clean up around C3 and soil storage pile

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