




**COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources

1313 Sherman Street, Room 215, Denver, CO 80203 P 303.866.3567 F 303.832.8106 <http://mining.state.co.us>

**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-012 <b>Mine Name:</b> New Elk Mine <b>Operator:</b> New Elk Coal Company, LLC <b>Operator Address:</b> Mr. Louis Head 12250 Highway 12 Weston, CO 81091	<b>County:</b> Las Animas <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Vince Massarotti
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> April 27, 2017 <b>Inspection Start Time:</b> 08:00 <b>Inspection End Date:</b> <b>Inspection End Time:</b>		<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear	
<b>Joint Inspection Agency:</b>  None		<b>Joint Inspection Contacts:</b>  	
<b>Post Inspection Agency:</b>  None		<b>Post Inspection Contacts:</b>  	
<b>Inspector(s):</b>  Robert D. Zuber, P.E.	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  5/1/2017

**Inspection Topic Summary**

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

Y - Air Resource Protection

N - Availability of Records

N - Backfill &amp; Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

N - Other

R - Processing Waste

R - Roads

R - Reclamation Success

R - Revegetation

N - Subsidence

N - Slides and Other Damage

R - Support Facilities On-site

R - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

R - Topsoil

**COMMENTS**

A partial inspection was conducted by Rob Zuber of DRMS on April 27, 2017. The weather was clear and windy. The ground was clear of snow and dry. The NECC representative who participated in the inspection was Vince Massarotti.

**EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09**

Placement; Drainage Control; Surface Stabilization:

The following observations were made related to DWDA#2. The wind was blowing fairly hard, but no material was being transported by wind off of the pile. The sump at the east end is not overly large.

No problems were seen with the Development Coal Waste Pile.

**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:

The following ditches appeared to be functioning and are large enough to meet the following specifications in the PAP:

- D15 - 1.2 feet deep and 6.2 feet wide
- D22 - 1.8 feet deep and 8.9 feet wide
- D32 – 2.0 feet deep and 8.0 feet wide.

The lower portion of Ditch D11 appears to be stable. Due to the very large rock in this channel (boulder size rather than typical riprap size), it should be closely monitored to determine if any erosion is present.

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Flow was seen in Culvert C16C. Per Vince Massarotti, this was due to discharge from the sump from the industrial building, and this discharge point is shown on Map 13.

Culvert C23 was clear. Culvert C49 contains a large amount of sediment. NECC should clean C49 or confirm that it is not NECC responsibility (maybe responsibility of State Parks and Wildlife).

Ponds 001A, 006A, 007A, and 08 were holding significant amounts of water due to recent precipitation, but this water was well below the spillways, and none of the ponds were discharging. No flow into Pond 006A from the prep plant was seen, but a pipe system is in place for this pond to receive water from Pond 08, and a pump is in place for filling water trucks. At Pond 001A, the liner looked good where it was visible. Pond 004A was mostly empty. No problems were seen with the pond spillways or embankments.

The berm and silt fence by the SAE by Pond 007A appeared to be functioning well. (It appears that the depiction of the SAE on Map 13 may be wider (north/south direction) than in reality; NECC should address this as part of updating this map to reflect the on-the-ground conditions.) No problems were identified with the SAE at the water tanks; sediment control BMPs are functioning well. The berm along the SAE by Topsoil Stockpile #2 has no low spots or other problems. No problems were seen with the SAE nearest to the Allen Mine portal and the SAE at the slurry injection area.

Containment Areas 2, 3, and 4 were holding no water. Water was in Containment Area 1. There were no signs of problems with these facilities.

The Middle Fork of the Purgatoire River was observed at several locations, and no signs of sediment or pollutant transport into the river from the New Elk Mine were identified.

#### PROCESSING WASTE/COAL MINE WASTE PILES – Rule 4.10 and 4.11

Drainage Control; Surface Stabilization; Placement:

The RDA was observed from afar (from the water tanks). No problems were seen with the interface between the upper (un-reclaimed) portion of the RDA and the lower (reclaimed) portion. No erosion was seen on the face of the reclaimed portion of the RDA. The eastern ditch looked to be functioning well (the western ditch was not observed).

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**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):

No problems were seen with any roads.

**RECLAMATION SUCCESS - Rule 4.15, Rule 3:**

Some weeds were seen around the site, including the area west of the C&W Shop. Vince Massarotti indicated that spring weed spraying will likely begin in May 2017.

**REVEGETATION – Rule 4.15**

Vegetative Cover; Timing:

The ramp into Pond 007A (used for pond cleaning) has seen minor vegetation growth. If necessary, this area should be reseeded.

It appears that the Upland Vegetation Reference Area (approximately three miles east of the New Elk facilities) is not properly marked, and cattle grazing may be allowed on this area. NECC should work with the Division to insure that the area is marked and properly managed.

**SUPPORT FACILITIES - Rule 4.04:**

The material from cleaning Pond 007A remains on the clean coal storage area. This should be moved to the RDA as soon as it is dry enough.

No significant issues were seen with the facility areas, including the tall cut bank above the portal area. The Division recommends the removal of trash (likely historical) in the West Portal area, especially near Containment Areas 1 and 2.

**SIGNS AND MARKERS – Rule 4.02:**

Buffer zone markers were seen in several locations.

**TOPSOIL – Rule 4.06**

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

Topsoil Stockpile #2 is mostly bare, with some vegetation emerging from 2016 seeding. The ring ditch and silt fence at this pile are in good shape. The vegetation is excellent on the topsoil stockpile next to Containment Area 1. Improvement of berms and ring ditches is needed at the soil storage area (west of Pond 001A).

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### **ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions were initiated as a result of this inspection, nor are any pending.

### **PHOTOGRAPHS**



**Ditch D 22**

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**Flow from Industrial Building Sump**



**Pond 007A**

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**Pond 006A**



**Slope cut near East Portal**

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**Low end of Ditch D11, at discharge to river**



**Pond 001A (west end) and Development Coal Waste Pile (east end)**

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**RDA and Pond 08**

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**Containment Area 1 and topsoil stockpile**



**Soil storage area in need of maintenance**

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