




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

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PERMIT INFORMATION

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

INSPECTION INFORMATION

Inspection Start Date: August 28, 2017 Inspection Start Time: 11:30 Inspection End Date: August 29, 2017 Inspection End Time: 11:30		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: 	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Robert D. Zuber, P.E.	Inspector's Signature: 		Signature Date: 9/5/2017

Inspection Topic Summary

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

Y - Air Resource Protection

R - Availability of Records

Y - Backfill & Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

Y - Fish & Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

R - Processing Waste

R - Roads

N - Reclamation Success

R - Revegetation

Y - Subsidence

Y - Slides and Other Damage

R - Support Facilities On-site

R - Signs and Markers

R - Support Facilities Not On-site

Y - Special Categories Of Mining

R - Topsoil

COMMENTS

A complete inspection was conducted by Rob Zuber of DRMS on August 28 and August 29, 2017. On the 28th the gate was locked, and the inspection entailed looking at features next to the highway (including Pond 08), the former Golden Eagle fan site, and the Jansen Loadout. (Louis Head was called on the telephone, and it was agreed that the inspection inside the main gate would be conducted on the 29th when NECC had their full crew on site.) On both days, the weather was mostly clear, and the ground was mostly dry. The NECC representative who participated in the inspection on August 29th was Vince Massarotti.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The latest Reclamation Cost Estimate was not seen in Exhibit 28 of the Permit Application Package (PAP). NECC should add this or explain why it is not in the PAP.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Erosion on DWDA#2 did not appear to have gotten worse in 2017, and the sump below it did not need maintenance.

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 sediment control BMPs below and in the SAE by Pond 007A appear to be functioning well. Likewise, the BMPs beside Topsoil Stockpile #2 and at the Golden Eagle site appear to be functioning well. These assessments are based on the lack of erosion or sediment deposition below the BMP sites. Silt fence at the soil storage area needed repair, and NECC staff began this work during the inspection.

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Ponds 001A, 004A, 006A, 007A, and 08 were inspected. None of them were discharging, and there was no inflow to Pond 006A. The impounded water was relatively high in all ponds (except 004A) due to rains. No significant issues were seen with the pond spillways or embankments, and the liner at Pond 001A appears to be in good shape. It would be beneficial to seed the top of Pond 08, as it is relatively bare.

Containment Area 5 was holding turbid water that was several feet below the top of the structure. Containment Area 3 held a small amount of water, and Containment Area 4 was dry. There was no sign of problems with these structures.

Ditches D10, D10A, D14, D24 and D32 are functioning. Culvert C11 needs to be repaired.

No problems were seen with the diversion ditch at the former Golden Eagle site.

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

Drainage Control; Surface Stabilization; Placement:

There is good vegetation cover on the reclaimed portion of the RDA, and no rills or gullies were seen on the face or in the side ditches. The ditch at the interface of the upper and lower portions was functioning and sumps were clear. Piles of refuse need to be graded by end of the season (prior to snowfall). Vince Massarotti plans to do that when he hauls pond cleanings up to the RDA.

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 road next to the conveyor for the RDA is in adequate shape due to recent work by NECC staff. The road to the RDA was in good shape, and culverts (and associated sumps) along the road have been recently cleared of sediment.

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

The recently disturbed areas near Pond 007A (disturbed for cleaning and when flow meter was installed) have significant vegetation including grass.

The slope above Pond 08 has seen good vegetation growth in 2017.

The Development Coal Waste Pile and the pad at the former Golden Eagle fan site both have excellent vegetation cover.

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SUPPORT FACILITIES - Rule 4.04:

No significant issues were seen with the facility areas, including steep hillsides (e.g., the retaining wall above the Bates Portal area and the hill below the water tanks). Coal residue has been removed from under the conveyor belt, and this is not a problem at this time. The pond cleaning material on the clean coal storage area needs to be removed as soon as it is dry enough to transport.

SIGNS AND MARKERS – Rule 4.02:

A permit sign is needed at the former Golden Eagle fan site. Per Rule 4.02.2, the sign must have the name, address, and telephone number for NECC as well as the permit number C-1981-012.

OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

No large weed patches were seen at the Jansen Loadout, but Mullein was seen in significant numbers all around the site. At the west end of the loadout, no signs of pollutant loading onto adjacent land was seen, although some coal residue is still present. This material should be removed (and the area backfilled with clean soil) if doing so would not create other problems, such as erosion of disturbed soil.

TOPSOIL – Rule 4.06

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

The west end of the topsoil pile in the soil storage area needed berm repair.

ENFORCEMENT ACTIONS/COMPLIANCE

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

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PHOTOGRAPHS



Signs at entrance



Hill above Pond 08

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RDA and Pond 08 spillway



East end of DWDA#2

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West end of Jansen Loadout



RDA – interface of upper and lower portions

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South side of DWDA#2 and Ditch D14



Ditch below SAE near DWDA#2

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	Expires 2/28/19
Permit Application w/Revisions	yes
Findings Document	RN6, June 2017
Insurance Certificate	Exp. 4/24/2018
Bond Document	\$4,133,137.02 (9 cash bonds)
Phased Bond Release Documents/Findings	SL2, Findings 11/15/06
Air Emission Permits	84LA074F-1, 84LA074F-2
County Special Use Permits	n/a – see letter in Exhibit 5
UG Mining Landowner Notification	Feb. 2012
Subsidence Monitoring Reports	n/a
Subsidence Monitoring Data	n/a
Rill & Gully Survey	6/9/2016
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	2016
Midterm Review Documents	MT7, 2016
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through July 2017
Transfers/Succession of Operator	To NECC, executed 2/2/2006
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	Comment 1
CERTIFICATIONS	
Pond Certifications	yes
Annual Certifications for Impoundments	Pond 08, Dec 2016

HYDROLOGIC RECORDS

NPDES Permit	CDPS C-00906 (exp. May 2020)
NPDES Records	Through July 2017
Stormwater Management Plan	Jan 2016
Spill Prevention Containment & Control Plan	April 2012
MSHA Pond Inspections	Pond 8, Dec 2016
State Engineer's Pond Inspection	n/a
Quarterly Pond Inspections	Through Q1 2017
Annual Hydrology Reports	2016
• Ground Water Monitoring	6/22/2017
• Surface Water Monitoring	8/29/2017
• Spring & Seep Monitoring	unknown
• Mine Water Discharge Monitoring	yes
• Mine Inflow Study	p. 3-4 of 2014 AHR (old study)
• Water Consumption Records	Thru 8/24/2017
Well Permits	yes

BLASTING RECORDS

Blasting Publication	n/a
Blasting Records (3 years)	n/a
ATFE Explosives Permit	n/a
Blasting Variances	n/a
Pre-Blast Surveys	n/a

(continued)

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AVAILABILITY OF RECORDS
(continued)

Underground Development Waste Banks

• Quarterly Inspections	<u>Comment 2</u>
• Compaction Testing	<u>n/a</u>
• Final Certification	<u>n/a</u>

Coal Processing Waste Banks

• Quarterly Inspections	<u>Comment 2</u>
• Compaction Testing	<u>3/7/2016</u>
• Final Certification	<u>n/a</u>

<u>Haul Road Certifications</u>	<u>4/18/2012, 7/25/2012</u>
<u>Access Road Certifications</u>	<u>Maps 11 & 12</u>

COMMENTS:

1. RCE from RN6/TR68: \$4,122,800, November 2014. RCE from MT-07: \$4,034,998.07, August 2016. NECC needed to add \$9,698.51 from TR-72.
2. Quarterly inspections of waste banks: Quarter 2 for 2017 was in file but not signed by P.E.

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