




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

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: Nick Mason
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: November 8, 2017 Inspection Start Time: 13:00 Inspection End Date: November 9, 2017 Inspection End Time: 13:30		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: 11/13/2017

Inspection Topic Summary

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

Y - Air Resource Protection

R - Roads

Y - Availability of Records

Y - Reclamation Success

Y - Backfill & Grading

R - Revegetation

R - Excess Spoil and Dev. Waste

Y - Subsidence

NA - Explosives

Y - Slides and Other Damage

Y - Fish & Wildlife

R - Support Facilities On-site

R - Hydrologic Balance

R - Signs and Markers

Y - Gen. Compliance With Mine Plan

Y - Support Facilities Not On-site

N - Other

Y - Special Categories Of Mining

R - Processing Waste

R - Topsoil

COMMENTS

A complete inspection was conducted by Rob Zuber of DRMS on November 8 and 9, 2017. November 8th entailed mostly office discussion with Louis Head and the records check. The NECC representative who participated in the field inspection on the 9th was Nick Mason. The weather was mostly clear, and the ground was muddy from recent snow melt.

A particular task of the inspection was to observe water sampling by NECC staff. That did not happen because NECC had not received sampling bottles from their laboratory.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Erosion on DWDA#2 may have gotten worse in 2017, with some rills close to two feet deep. The sump below DWDA#2 did not appear to need immediate maintenance. Stockpiled material at the west end of this pile should be moved to the RDA as soon as it dries.

The vegetation cover on the Development Coal Waste Pile remains very good.

Number of Partial Inspection this Fiscal Year: 4

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:

The Middle Fork of the Purgatoire River was inspected in the following spots, and no issues were observed in terms of eroding banks or pollutant loading from the New Elk Mine:

- Below the conveyor to the RDA
- Below Ditch D11 and where Culvert C13 crosses the river
- Below the DWDA#2
- Adjacent to Ponds 006A and 007A
- Adjacent to the storage area near the C&W Train Shop.

The following ditches and culverts were inspected and no problems were identified: D2, D3, D4, D10, D10A, D11, D14, D32, C13, and C30.

The two rows of silt fence below the SAE by Pond 007A appear to be functioning well. No significant problems were seen with the SAE by Topsoil Stockpile #2, although some sediment has accumulated in Ditch D11. This area should be watched closely for erosion problems.

Ponds 004A, 006A, 007A, and 08 were inspected. None of them were discharging, but all held water from recent snow melt (all but Pond 004A were very full). No flow into Pond 006A was seen. The impounded water in Pond 007A was below five rows of holes in the primary spillway, and signs of recent flow through the emergency spillway could not be seen. The water in Pond 004A appeared lower than in past months. Water was in the discharge pipe from Pond 08; NECC staff confirmed that a recent discharge occurred, and they said that CDPHE was notified. No significant issues were seen with the pond spillways or embankments of any ponds.

Containment Area 5 was holding turbid water that was several feet below the top of the structure. There was no sign of problems with this structure.

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 upper portion of the RDA (un-reclaimed) was not inspected due to muddy conditions of the road.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

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 significant erosion was seen below the road to the RDA.

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

Revegetation near the northwest corner of Pond 007A (disturbance from cleaning) has not been successful; it is still bare.

SUPPORT FACILITIES - Rule 4.04:

The hill below the water tanks was observed from afar, and no erosion or other problems were seen. The retaining wall by the Bates Portals appears stable.

SIGNS AND MARKERS – Rule 4.02:

The entrance sign has the required information.

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 does not have good vegetation cover, but the ring ditch and silt fence are functioning to preserve this resource. No erosion or sediment transport problems were seen around the soil piles west of Pond 001A.

ENFORCEMENT ACTIONS/COMPLIANCE

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

Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 2

PHOTOGRAPHS



Ditch D32



Entrance sign, Ditches D10 and D10A

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Rills on east end of DWDA#2



**Riprap below SAE near Topsoil Stockpile #2
(note sediment in lower right portion of photograph)**

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Pond 004A

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

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	See 2016 ARR
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 Oct. 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 Sept. 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 Q2 2017
Annual Hydrology Reports	2016
• Ground Water Monitoring	6/22/2017
• Surface Water Monitoring	6/1/2017 (river)
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	yes
• Mine Inflow Study	p. 3-4 of 2014 AHR (old study)
• Water Consumption Records	Thru 11/7/2017
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)

Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 2

AVAILABILITY OF RECORDS
(continued)

Underground Development Waste Banks

• Quarterly Inspections	<u>June 2017</u>
• Compaction Testing	<u>n/a</u>
• Final Certification	<u>n/a</u>

Coal Processing Waste Banks

• Quarterly Inspections	<u>June 2017</u>
• Compaction Testing	<u>3/7/2016</u>
• Final Certification	<u>n/a</u>

<u>Haul Road Certifications</u>	<u>4/18/2012,</u> <u>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.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2