




**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>  Nick Mason
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> January 19, 2018 <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>  1/22/2018		

**Inspection Topic Summary**

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

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

A partial inspection was conducted by Rob Zuber of DRMS on January 19, 2018. The NECC representative who participated in the field inspection was Nick Mason. The weather was mostly clear, and the ground was mostly dry.

**AIR RESOURCE PROTECTION – Rule 4.17:**

A water truck was used for controlling dust during the inspection.

**BACKFILL and GRADING – Rule 4.14**

Contemporaneous Reclamation 4.14.1; Approximate Original Contour 4.14.2; Highwall Elimination 4.14.1(2)(f); Steep Slopes 4.14.2, 4.27; Handling of Acid and Toxic Materials 4.14.3; Stabilization of Rills and Gullies 4.14.6:

During the inspection, Bill Massarotti took a load of pond cleanings from the clean coal storage to the RDA. Several loads have been hauled to the RDA in recent days, per Nick Mason and Bill Massarotti. The grading of this material has not been performed.

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

Placement; Drainage Control; Surface Stabilization:

Erosion on DWDA#2 remains significant, but the Division understands why this area remains un-reclaimed given the uncertain circumstances with the mine. In the future, as decisions are made regarding the mine, the following question must remain an important consideration: should the pile be reclaimed or should the material be hauled to the RDA?

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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 below the DWDA#2, and no issues were observed in terms of eroding banks or pollutant loading from the New Elk Mine.

No significant problems with ditches were seen. The particular ditches that were inspected included: D10, D10A, D11, D13, D15, and D32. There is minor erosion in D13 that should be monitored and possibly repaired.

The two rows of silt fence below the SAE by Pond 007A appear to be functioning well.

Ponds 001A, 006A, 007A, and 08 were inspected. None of them were discharging, but all held water. The water levels were relatively low in most ponds compared to recent months (the exception was Pond 007A). The impounded water in Pond 007A was below four rows of holes in the primary spillway (in recent months the water was lower). No flow into the ponds was seen. No significant issues were seen with the pond spillways or embankments of any ponds.

**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 large rills or gullies were seen on the face or in the side ditches. Some sediment is visible in the eastern side ditch, but is not currently a large enough quantity to illicit concern about the surface water control structures (ditches, sumps) above this area.

No problems were seen on the upper portion of the RDA (un-reclaimed), however NECC should closely monitor it (especially the area that has ungraded material such as pond cleanings) to assure that large areas of ponded water do not form. No problems were seen with the top of the eastern underdrain.

**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 or sediment loading was seen below the road to the RDA. No problems were identified with other roads.

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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.

**ENFORCEMENT ACTIONS/COMPLIANCE**

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

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**PHOTOGRAPHS**



**Upper RDA**



**Sediment in eastern side ditch of RDA**

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**Pond 08**



**Pond 08 – water level well below typical level for recent months**

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**RDA**



**Middle Fork of the Purgatoire River, looking downstream near raw coal storage**

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**Ditches and signs near entrance**



**Water tanks and hill below**

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