




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

INSPECTION INFORMATION

Inspection Start Date: March 14, 2018 Inspection Start Time: 13:00 Inspection End Date: March 15, 2018 Inspection End Time: 16:00		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. Jason D. Musick	Inspector's Signature: 		Signature Date: 3/19/2018

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

Y - Signs and Markers

Y - Gen. Compliance With Mine Plan

R - Support Facilities Not On-site

N - Other

Y - Special Categories Of Mining

R - Processing Waste

R - Topsoil

COMMENTS

A complete inspection was conducted by Jason Musick and Rob Zuber of DRMS on March 14 and 15, 2018. The NECC representative who participated in the field inspection was Nick Mason. The weather was clear, and the ground was dry. During an office discussion, Louis Head, Mine Manager, indicated that the site had not seen precipitation for approximately two weeks.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Erosion on DWDA#2 persists. The sump below DWDA#2 did not appear to need immediate maintenance.

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

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, and no eroding banks or signs of pollutant loading from the New Elk Mine were seen. Particular areas that were inspected include:

- 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.

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Several ditches were inspected and no problems were identified.

The two rows of silt fence below the SAE by Pond 007A appear to be functioning well. The area has been recently hydroseeded by NECC staff and a water bar added. No problems were seen with the SAE by Topsoil Stockpile #2.

Ponds 001A, 004A, 006A, 007A, and 08 were inspected. None of them were discharging, but all but Pond 004A held water. A large amount of water was in Pond 006A, as NECC staff have pumped water into this pond from Pond 008A, which is relatively low. Use of a laser Range Finder indicated that the water level is approximately 13.5 feet below the invert of the emergency spillway. No flow into Pond 006A was seen. The impounded water in Pond 007A was below six rows of holes in the primary spillway. No significant issues were seen with the embankments of any ponds.

Containment Areas 1, 2, 3, and 4 were dry. Containment Area 5 was holding water that was several feet below the top of the structure. There was no sign of problems with these structures. However, the area by the conveyor that is in between Containment Areas 3 and 4 needs to be addressed. The refuse material under the conveyor needs to be removed, and the berm by the conveyor needs to be maintained to direct runoff to the containment areas. Any portions of the conveyor that do not drain to containment areas need to have a catch pan installed.

The sediment and erosion BMPs at the former Golden Eagle shaft appeared to be functioning well.

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

Drainage Control; Surface Stabilization; Placement:

There is good vegetation cover on the majority of the reclaimed portion of the RDA. Rills above Pond 008A need maintenance, including erosion next to the west side channel.

No problems were seen with the upper portion of the RDA, including the ditch and sumps between the un-reclaimed (upper) and reclaimed (lower) portions, but recently placed piles should be spread in the near future. NECC staff were cleaning ditches during the inspection. The east clear water ditch (D55) was walked and no issues were seen.

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. NECC staff have recently hydroseeded this area. Both of the steep roads, the road to the RDA and the road to water tanks, were inspected and found to be in good shape. Also, no problems were seen with other roads.

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REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

NECC staff have hydroseeded many areas on the mine, including:

- The top of the dam at Pond 008A
- The fill along the road to the Refuse Pile
- The cut along the road to the water tanks
- The SAE by Pond 007A.

SUPPORT FACILITIES - Rule 4.04:

The water tank pad and the hill below the water tanks was observed, and no erosion or other problems were seen. The retaining wall by the Bates Portals appears stable. No problems were seen at the coal storage areas.

The hole east of Pond 001A should be filled.

OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

No problems were seen at the Jansen Loadout.

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 vegetative 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. No problems were seen with the topsoil stockpile by Containment Area 1.

ENFORCEMENT ACTIONS/COMPLIANCE

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

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PHOTOGRAPHS



Pond 006A, holding considerable water



Retaining wall at Bates portal

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DWDA #2 and Ditch D14



Middle Fork of the Purgatoire River near DWDA #2

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Waste under conveyor



BMPs at former Golden Eagle shaft site

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Pond 008A



Erosion (beside tree) near toe of Refuse Pile

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Facilities area seen from RDA



RDA – interface between upper and lower portions

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RDA



Ditch D26, below water tanks

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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	See 2017 ARR
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	2017
Midterm Review Documents	MT7, 2016
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through Feb. 2018
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, Mar. 2018

HYDROLOGIC RECORDS

NPDES Permit	CDPS C-00906 (exp. May 2020)
NPDES Records	Through Jan. 2018
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 Q4 2017
Annual Hydrology Reports	2017
• Ground Water Monitoring	Dec. 2017
• Surface Water Monitoring	Nov. 2017
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	p. 3-4 of 2014 AHR (old study)
• Water Consumption Records	Thru 2/28/2018
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>Dec. 2017</u>
• Compaction Testing	<u>n/a</u>
• Final Certification	<u>n/a</u>

Coal Processing Waste Banks

• Quarterly Inspections	<u>Dec. 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.

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