




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

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**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> March 21, 2019 <b>Inspection Start Time:</b> 07:40 <b>Inspection End Date:</b> March 21, 2019 <b>Inspection End Time:</b> 11:00		<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>  3/22/2019

**Inspection Topic Summary**

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

N - Air Resource Protection

R - Roads

N - Availability of Records

N - Reclamation Success

Y - Backfill &amp; Grading

N - Revegetation

R - Excess Spoil and Dev. Waste

N - Subsidence

NA - Explosives

N - Slides and Other Damage

N - Fish &amp; Wildlife

R - Support Facilities On-site

R - Hydrologic Balance

R - Signs and Markers

N - Gen. Compliance With Mine Plan

N - Support Facilities Not On-site

N - Other

N - Special Categories Of Mining

R - Processing Waste

R - Topsoil

**COMMENTS**

A partial inspection was conducted by Rob Zuber of DRMS on March 21, 2019. The NECC representative who participated in the field inspection was Vince Massarotti. The weather was clear and cool. The ground was mostly dry.

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

Placement; Drainage Control; Surface Stabilization:

Erosion on DWDA#2 looks to be comparable to recent months. The sump below DWDA#2 did not need immediate maintenance.

No rills or other problems were seen on 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 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 reaches that were inspected include below Pond 004A, near the prep plant, and beside Ponds 006A and 007A.

Ponds 001A, 004A, 006A, 007A, and 08 were inspected. None of them were discharging, but all held at least a small amount of water. The impounded water in Pond 08 appeared to be more than 13 feet below the primary spillway. There was very little water in Pond 007A and only a small amount in Pond 004A. Water was seen flowing into Pond 006A, and this was coming from Pond 008A (a pump was heard operating there and pipes run between these ponds). No significant issues were seen with the embankments or spillways of any ponds.

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Number of Complete Inspections this Fiscal Year: 3

Within the SAE by Pond 007A, BMPs appear to be functioning, and there was no discharge from this outfall. No problems were seen with the SAE east of DWDA#2, and the riprap below this area is stable.

Containment Area (CA) 5 was holding water, but no signs of past discharge were detected.

It still appears as though PAP maps and on-the-ground conditions are not completely in agreement (as noted in past reports). For example, Ditches D17A and D39AA do not exist, but they are shown on Map 13. Also, Culvert C12 is not located correctly and C50 does not appear to exist.

No physical problems with ditches were identified. The hillside above Ditch C26 (below the water tanks) appeared stable. These ditches were found to be large enough per the specification in Table 20 of the PAP: D9, D39A.

Some sediment removal is needed at the top of culvert C12.

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

Drainage Control; Surface Stabilization; Placement:

No erosion was seen on the reclaimed portion of the RDA. The ditch between the upper and lower portions of the RDA is in good shape. No ponding or erosion were seen on the upper portion of the RDA, and the area is graded well. No signs of blowouts below the clear water ditches 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 problems with roads were observed. The roads up the hills to the RDA and the water tanks were both in good shape and easily passable.

#### SUPPORT FACILITIES - Rule 4.04:

No problems were seen with any facility areas. In particular:

- 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 leaks or other problems were seen at any of the equipment storage areas.

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**SIGNS AND MARKERS – Rule 4.02:**

Entrance signs were seen at the main entrance, at the road to the RDA, and near Pond 08.

**TOPSOIL – Rule 4.06**

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

No erosion problems were seen with Topsoil Stockpile #2, although there is little vegetation on it. The silt fence below this pile is functioning.

NECC staff need to remove sediment from the ring ditch around the subsoil pile at the soil storage area.

**ENFORCEMENT ACTIONS/COMPLIANCE**

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

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**PHOTOGRAPHS**



**RDA and facilities (taken from water tanks)**

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**Pond 001A and waste piles**



**Slope between Ditch D26 and water tanks**

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**Upper RDA**



**Lower RDA and part of Pond 08**

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**Need for sediment removal from ring ditch around soil pile**



**Top of Culvert C12**

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**Pond 006A**



**Middle Fork of the Purgatoire River, below Pond 006A**

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**Pond 007A**



**Pond 007A spillway pipe**

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