



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

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## New Elk Mine, C-1981-012, October 13, 2021 Inspection Report

1 message

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Fri, Oct 15, 2021 at 7:35 AM

To: larrycookconsulting@yahoo.com

Cc: Nick Mason <nmason@newelkcoal.com>

Hello Mr. Cook,

Please see the attached inspection report for the above referenced site.

Jared

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Jared Ebert

Senior Environmental Protection Specialist

**\*I am working remotely, please feel free to call my cell at (720) 413-6466**



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

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

[jared.ebert@state.co.us](mailto:jared.ebert@state.co.us) | <https://drms.colorado.gov>



**INSP-REPORTC\_C1981012\_JLE\_10142021030549.pdf**  
3380K




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Mining and Safety  
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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. Larry Cook 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:</b> (Field Issuance Only)  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> October 13, 2021 <b>Inspection Start Time:</b> 08:00 <b>Inspection End Date:</b> October 13, 2021 <b>Inspection End Time:</b> 13:00		<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>  Jared Ebert	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  October 15, 2021

**Inspection Topic Summary**

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

N - Air Resource Protection

N - Availability of Records

N - Backfill &amp; Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

R - Slides and Other Damage

R - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

**COMMENTS**

This was a partial inspection of the New Elk Mine, Colorado Division of Reclamation, Mining and Safety (DRMS or Division) Permit No. C-1981-012, operated by New Elk Coal Company, LLC (NECC). I, Jared Ebert with DRMS conducted the inspection. Mr. Vince Massarotti with NECC accompanied me during the inspection.

Maintenance items are in bold text below.

**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:

Clean water diversion ditch D26 was observed. The majority of the ditch is vegetated, a small section is lined with concrete. Overall, the ditch is clear and functional. **Several trees were observed that have fallen over the ditch and will need to be cleared away.** The upper reaches of the ditch were cleaned in January/February of 2021 according to Mr. Massaroitti.

Ditch D16 from the water tank S.A.E. to the base of the hill was observed. **This ditch is becoming incised, maintenance should be conducted on this ditch and rock check structures may be useful given the steep nature of the road/ditch.**

The sump and culvert C5 was clear and functional.

NECC cleaned sediment from the sump and re-established the berm upstream of culvert C13 on the southeast corner of the DWDA #2.

The drainage system from culvert C19 northwest of Pond 001a to culvert C22 at Pond 006a that manages storm water from entering the river was walked and observed. The ditches and culverts between these two points are overall clear and functional with the exception noted in the following narrative. NECC should monitor the

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northern slope of ditch D32 as the slopes are a little steep in areas and small rills were observed on the ditch side slopes. **Culvert C64 is about ¼ full of sediment and needs to be cleaned out on the outlet end.**

Pond 006a was holding water. The embankment was stable and vegetated.

Pond 007a was holding water but not discharging. The embankment was stable and vegetated.

#### GENERAL MINE PLAN COMPLIANCE:

Core hole pads NE-02-20 and NE-01-20 were observed. Drilling is complete and the pads have been reclaimed. The pads have been graded to blend into the surrounding topography and they have been seeded. Vegetation has begun to establish on the pad area. Two wooden borehole markers were found on the ground on the drill pad area. **These markers will need to be replaced in the location of the drill hole in accordance with Rule 4.07.3(2).**

#### SUPPORT FACILITIES - Rule 4.04:

The upper water tank S.A.E. area was observed. A berm is in place surrounding the pad area where the tanks are located. The berm, small sump, and checkdam lined with rock and silt fence appear to be functional at preventing off-site sedimentation at this SAE.

**DOCUMENTS RECEIVED: none**

**OTHER (SPECIFY): none**

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**ENFORCEMENT ACTIONS/COMPLIANCE**

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

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## **PHOTOGRAPHS**



*Figure 1. From the south end of Pond 007a looking east at access road.*



*Figure 2. Upper drop down structure and flume from the end of ditch D26.*

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*Figure 3. Ditch D26 looking west.*



*Figure 4. Drainage control structure on the pad where the water tank S.A.E. is located.*

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*Figure 5. Core hole pad NE-02-20.*



*Figure 6. Repair work at culvert C13.*

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*Figure 7. Sump upstream of Culvert C13 deepened.*



*Figure 8. Culvert C64 outlet that needs to be cleaned out.*

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