




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

PERMIT INFORMATION

Permit Number: C-1981-012 Mine Name: New Elk Mine Operator: New Elk Coal Company, LLC Operator Address: Mr. Larry Cook 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: Vince Massarotti
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: October 13, 2021 Inspection Start Time: 08:00 Inspection End Date: October 13, 2021 Inspection End Time: 13:00		Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: NA	
Post Inspection Agency: None		Post Inspection Contacts: NA	
Inspector(s): Jared Ebert	Inspector's Signature: 		Signature Date: October 22, 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 & Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

V - 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. Massarotti.

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).**

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):

NECC is upgrading and reconstructing the light use road located south of Pond 007a that runs west to east adjacent to the Purgatory river. NECC is reconstructing the light use road in anticipation of truck hauling processed coal. NECC is currently not approved to reconstruct the light use road as a haul road and no revision to the New Elk Mine permit addressing the reconstruction has been received by the Division.

This activity constitutes a violation of Rule 2.05.3(3)(c) for failure to provide a description of each road to be constructed, used, or maintained within the proposed permit area. In addition, due to the anticipated haul road use of the reconstructed road, this activity constitutes a violation for failure to comply with the performance and design requirements for haul roads in accordance with Rule 4.03.1. No additional construction and no coal hauling on the road pertaining to this violation may occur until the violation has been abated.

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 S.A.E.

DOCUMENTS RECEIVED: none

OTHER (SPECIFY): none

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ENFORCEMENT ACTIONS/COMPLIANCE

Infraction Number: CV2021001

Inspection Date: October 13, 2021

Date Issued: October 22, 2021

Primary Topic: Roads

Secondary Topic:

Tertiary Topic:

NATURE OF VIOLATION:

Failure to describe the reconstruction of a light use road into a coal haul road to be constructed, used, or maintained within the permit area. Failure to provide specifications of the light use road reconstruction width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structure. Failure to provide plans and drawings for each haul road prepared by, or under the direction of, and certified by a qualified, registered professional engineer, experienced in the design and construction of roads. Failure to comply with performance standard requirements for haul roads.

PORTION OF THE OPERATION TO WHICH THIS NOTICE APPLIES:

Based on an on-the-ground inspection of the New Elk Mine conducted on October 13, 2021, New Elk Coal Company (NECC) is upgrading and reconstructing the light use road located south of Pond 007a that runs west to east adjacent to the Purgatory river. NECC is reconstructing the light use road in anticipation of truck hauling processed coal. NECC is currently not approved to reconstruct the light use road as a haul road and no revision to the New Elk Mine permit addressing the reconstruction has been received by the Division.

This activity constitutes a violation of Rule 2.05.3(3)(c) for failure to provide a description of each road to be constructed, used, or maintained within the proposed permit area. In addition, due to the anticipated haul road use of the reconstructed road, this activity constitutes a violation for failure to comply with the performance and design requirements for haul roads in accordance with Rule 4.03.1. No additional construction and no coal hauling on the road pertaining to this violation may occur until the violation has been abated.

STEPS NECESSARY TO ABATE VIOLATION (REMEDIAL ACTION):

Abatement Step #	Description
1	No additional construction and no coal hauling on the road pertaining to this violation may occur until the technical revision required by Abatement Step #2 has been approved and issued. Due: Immediately
2	Submit and receive approval of a technical revision to revise the road design for the light use road to comply with Rule 2.05.3(3)(c) and Rule 4.03.1 for the new haul road. The technical revision must be submitted on or before the abatement due date noted below. Due: November 22, 2021

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PHOTOGRAPHS



Figure 1. From the south end of Pond 007a looking east at the light use road.



Figure 2. Light use road south of Pond 007a, newly placed road base.

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Figure 3. Upper drop down structure and flume from the end of ditch D26.



Figure 4. Ditch D26 looking west.

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Figure 5. Drainage control structure on the pad where the water tank S.A.E. is located.



Figure 6. Core hole pad NE-02-20.

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Figure 7. Repair work at culvert C13.



Figure 8. Sump upstream of Culvert C13 deepened.

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Figure 9. Culvert C64 outlet that needs to be cleaned out.

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