




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. Mark Gray 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: None
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: January 11, 2022 Inspection Start Time: 14:27 Inspection End Date: January 13, 2022 Inspection End Time: 14:00		Inspection Type: Aerial Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: None	
Post Inspection Agency: None		Post Inspection Contacts: None	
Inspector(s): Jared Ebert Brock Bowles	Inspector's Signature:  Signature Date: 1/13/2022		

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

R - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

R - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

R - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

R - Topsoil

COMMENTS

This was an aerial inspection of the New Elk Mine, Colorado Division of Reclamation, Mining and Safety (DRMS/Division) permit number C-1981-012, operated by New Elk Coal Company, LLC (NECC). Brock Bowles with DRMS conducted the aerial inspection on January 11, 2022. I, Jared Ebert with DRMS reviewed the photographs taken by Mr. Bowles on January 13, 2022 and prepared this inspection report.

Permitting Actions:

DRMS is processing Permit Revision No. 5 (PR5). PR5 was deemed complete for review on July 7, 2021. The Division sent the first adequacy review letter to NECC for PR5 on September 2, 2021. The decision date for PR5 is January 14, 2022. DRMS is waiting for NECC's response to the adequacy review letter.

NECC submitted Technical Revision No. 76 (TR76) on October 26, 2021, and the application was deemed incomplete on November 3, 2022. DRMS is waiting for NECC's response to the incomplete application notice letter.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Development Waste Disposal Areas (DWDA) #1 and #2 was observed. DWDA #1 appears stable and vegetated. DWDA #2 appears stable, the rills commonly observed on this non-reclaimed pile seem consistent with previous DRMS inspection observations.

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:

Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 2

Pond 001, 004, 006, 007 and 008 were observed. Each of these ponds with the exception of Pond 004, appears to be holding water but do not appear to be discharging. The pond embankments appear to be stable and no signs of instability is observed.

GENERAL MINE PLAN COMPLIANCE:

It appears coal was being stockpiled in the Raw Coal pile at the time of the aerial inspection.

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

Drainage Control; Surface Stabilization; Placement:

Waste appear to have been recently placed on the Refuse Disposal Area (RDA). The recently placed waste appears to have been graded out and a line of piles was observed on the top bench.

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):

It appears the interior haul and access roads were actively being graded and watered at the time of the aerial inspection.

SUPPORT FACILITIES - Rule 4.04:

No problems with the support facilities onsite were observed from the photographs.

TOPSOIL – Rule 4.06

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

The topsoil and subsoil stockpiles appear stable. No problems were observed.

DOCUMENTS RECEIVED – None

OTHER (SPECIFY) – None

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

ENFORCEMENT ACTIONS/COMPLIANCE**Infraction Number:** CV2021001

Inspection Date: October 13, 2021

Date Issued: October 22, 2021

Primary Topic: Roads

Secondary Topic:

Tertiary Topic:

Description: 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.

Abatement #: 1

Abatement Due Date: 10/22/2021

Abatement Due Extended Date:

Abatement Date:

Abatement Description: 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.

Abatement #: 2

Abatement Due Date: 11/22/2021

Abatement Due Extended Date:

Abatement Date:

Abatement Description: 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.

Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 2

PHOTOGRAPHS



Figure 1. New Elk Mine, from the southeast, looking northwest.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Figure 2. Refuse Disposal Area and Pond 008

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Figure 3. East Portal Facilities, Pond 001, DWDA#2

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Figure 4. Equipment storage area, Pond 004, and DWDA#1 (west end)

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



Figure 5. Topsoil and Subsoil Storage Area, Pond 004, DWDA #1

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

STATE OF
COLORADO

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

New Elk Mine, C-1981-012, Aerial Inspection Report

1 message

Ebert - DNR, Jared <jared.ebert@state.co.us>
To: Nick Mason <nmason@newelkcoal.com>

Thu, Jan 13, 2022 at 4:15 PM

Hello Nick,

Attached is an inspection report for an aerial inspection conducted on January 11, 2022. Please let me know if you have any questions.

Jared

--

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 |

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

jared.ebert@state.co.us | <https://drms.colorado.gov/>



INSP-REPORTC_C1981012_JLE_01132022012937.pdf
4019K