



STATE OF
COLORADO

Drinkard - DNR, Connor <connor.drinkard@state.co.us>

New Elk Mine, C-1981-012, April 14 2022 Inspection Report

Drinkard - DNR, Connor <connor.drinkard@state.co.us>

Tue, Apr 19, 2022 at 11:51 AM

To: nmason@newelkcoal.com

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

Hello Nick,

Please see the attached inspection report and let me know if you have any questions.

Best regards,

--

Connor Drinkard

Environmental Protection Specialist Intern



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

P 720.836.0967 | F 303.832.8106

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

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

connor.drinkard@state.co.us | <https://drms.colorado.gov>




INSP-REPORTC_C1981012_CJD_04182022090627 (2).pdf
2612K



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

INSPECTION INFORMATION

Inspection Start Date: April 14, 2022 Inspection Start Time: 08:00 Inspection End Date: April 14, 2022 Inspection End Time: 10:00	Inspection Type: Coal Partial 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): Connor Drinkard Jared Ebert	Inspector's Signature: 	Signature Date: April 19, 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

N - 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 a partial inspection of the New Elk Mine, Colorado Division of Reclamation, Mining and Safety (DRMS or Division) permit number C-1981-012, operated by New Elk Coal Company, LLC (NECC). I, Connor Drinkard and Jared Ebert with DRMS conducted the inspection. Mr. Nick Mason with NECC accompanied us during the inspection. Mr. Vince Massarotti with NECC was aware of the inspection. Maintenance items are in orange text.

Pending permitting actions:

Technical Revision No. 76 (TR76) - this technical revision was deemed incomplete on February 3, 2022. NECC provided a response on April 14, 2022 that is being reviewed.

Permit Revision No. 5 (PR5) - the decision date for PR5 is May 13, 2022. Mr. Mason indicated that NECC is preparing a response to the Division's last adequacy review letter.

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 maintenance item from the March 15, 2022 previous inspection regarding improper drainage in the small area north of the wash plant just under and adjacent to where the conveyor exits the plant has been addressed. Straw waddles for sediment control have been installed.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3



Figure 1. Area under and adjacent to where the conveyor exists the plant. Straw waddles for sediment control were observed.

The Small Area Exemption (SAE) south of Pond 007A has maintained a stable berm to direct water towards Pond 007A.



Figure 2. SAE south of Pond 007A looking west.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3

The maintenance item from the March 15, 2022 previous inspection regarding ditch D15 just west of culvert C13 where sediment build up and some of the embankment of the ditch appears to be slightly eroding on the north side remains to be addressed. Mr. Massarotti indicated it will be addressed before the next inspection. **NECC should repair this area to ensure mine water does not over-top the ditch and discharge into the river without treatment.**



Figure 3. Ditch D15 west of culvert C13 looking east.



Figure 4. Ditch D15 west of culvert C13 looking west.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3

Ponds 004A, 006A, 007A, and 008 were observed stable and not discharging. Primary and emergency spillways appeared clear and functional.

Outfall 010 was not discharging and appeared clear and functional.



Figure 5. Pond 08.

GENERAL MINE PLAN COMPLIANCE:

A mining plan map in the NECC office dated April 11, 2022, indicated an area of underground workings in the northeast that had not been approved. MR-130 was sent to the Division shortly after the inspection to address this area and was approved. The Blue Mine Map in the permit file now reflects this change in the mining plan.

PROCESSING WASTE/COAL MINE WASTE PILES – Rule 4.10 and 4.11 Drainage Control; Surface Stabilization; Placement:

Development Waste Disposal Area (DWDA) #1 and #2 were observed. DWDA #1 is stable and vegetated. DWDA #2 has not been reclaimed and rills were observed on the side slopes of the pile, however the erosion control berm and ditch surrounding the pile prevent sediment from running off site.

The Refuse Disposal Area (RDA) was observed with no issues noted. Waste was actively being placed on the pile with a truck and dozer crew. A compactor was present onsite but was not active at the time of the inspection.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3



Figure 6. RDA looking west.



Figure 7. RDA looking east.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3

ROADS – 4.03:

The road that runs east from New Elk Mine along the southern side of the Middle Fork of the Purgatoire River was observed and appears to remain not in use to comply until TR76 is approved.



Figure 8. TR76 road.

SUPPORT FACILITIES – Rule 4.04:

A pump house is constructed southwest of the foot bridge #1 west of the pump vault. This pump house is not shown on Map 11-Sheet 3, or the Map 11 - East Portal Sediment and Surface Water Control Map and is not discussed in permit section 2.05 of the PAP. NECC will need to submit a Minor Revision to depict this facility on these maps and update permit section 2.05 to comply with Rule 2.05.3(3) for the construction and use of the pump house.

TOPSOIL – Rule 4.06:

Topsoil Stockpile #2 was observed and appeared stable.

DOCUMENTS RECEIVED - None**OTHER (SPECIFY) - None**

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3

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.

TR76 has been submitted, deemed incomplete, and DRMS has received a response to the incompleteness determination from NECC that is under review.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 3