

STATE OF
COLORADO

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

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

1 message

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

Fri, Jul 29, 2022 at 10:35 AM

Hello Nick,

Please see the Division's report from the July 27, 2022 inspection. Maintenance items are noted in bold text.

Also, it looks like we may need another MR to update the Blue Seam mining plan Map (Map 3), it looks like the future mining plan you showed me is different from what is approved.

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

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INSP-REPORTC_C1981012_JLE_07282022015753.pdf
955K



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: July 27, 2022 Inspection Start Time: 10:00 Inspection End Date: July 27, 2022 Inspection End Time: 12:00		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): Jared Ebert	Inspector's Signature: 		Signature Date: July 29, 2022

Inspection Topic Summary

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

N - Air Resource Protection

R - Availability of Records

N - Backfill & Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

N - Other

R - Processing Waste

N - 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 normal monitoring 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, Jared Ebert with DRMS conducted the inspection. Mr. Nick Mason with NECC accompanied me during the inspection. Maintenance items are noted in bold text.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The Division received NECC response to the adequacy review for Technical Revision No. 76 (TR76) on July 26, 2022. The adequacy response is under review. The Division is required to issue a decision on the application by August 20, 2022.

No other pending revisions are under review by DRMS.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

The Development Waste Disposal Area ("DWDA") #1 was observed. The pile is stable and vegetated.

DWDA #2 was observed. The stockpile of material has numerous rills on the outs-lopes of the pile. Overall the rills do not appear to be significantly different than what has been observed during previous DRMS inspections. Sediment from the pile is caught by the large drainage ditches surrounding the pile. The sump at the southeast corner of the DWDA#2 stockpile was holding water and Culvert C-13 was clear and functional.

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: 1

Number of Complete Inspections this Fiscal Year: 0

Pond 007a was holding water but was not discharging. The embankment was stable and vegetated overall. However a small rill has formed on the north pond embankment upslope of the river. **NECC should stabilize this area.** The primary spillway appears clear and functional.



Figure 1. Pond 007a northern embankment, rill forming.

Pond 006 was holding water and the pond embankment was stable and vegetated.

Pond 001 was holding water but was not discharging. The pond embankment was stable and vegetated. The primary and emergency spillways appeared clear and functional.

Culvert C9 that goes under the access road to the topsoil and subsoil stockpile was plugged with sediment and water has backed up the roadside ditch. **NECC will need to clear this culvert.**



Figure 2. Culvert C-19 inlet.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0

Pond 004 was not holding water and was not discharging. The primary and emergency spillway was clear and functional. The pond embankment was stable and vegetated.

Pond 008 was holding water but was not discharging. The primary and emergency spillway was clear and functional. The pond embankment was stable and vegetated.

As noted in previous DRMS inspection reports, a check dam on the east side of the conveyor located within the ditch that leads to Containment Area #5 south of Pond 008 is in need of maintenance. **NECC has built a straw check dam that is holding back a large amount of sediment. This straw check dam is beginning to fail, NECC will need to clean out the sediment from behind the check dam and rebuilt/replace the check dam.** Nick Mason observed this check dam and agreed this feature needed maintenance.



Figure 3. Straw check dam in drainage above Containment Area #5, east of the Conveyor.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0

GENERAL MINE PLAN COMPLIANCE:

Mr. Mason showed me a map they keep at the mine office titled “Mi Vida Portals, Escapeway Map,” dated July 18, 2022. This map shows completed and projected future underground workings. There appears to be some differences in the actual underground workings and the future workings shown on this July 18, 2022 map and the approved mining plan map “Map 03”. It appears NECC is modifying their proposed mine plan; these differences can be seen below:

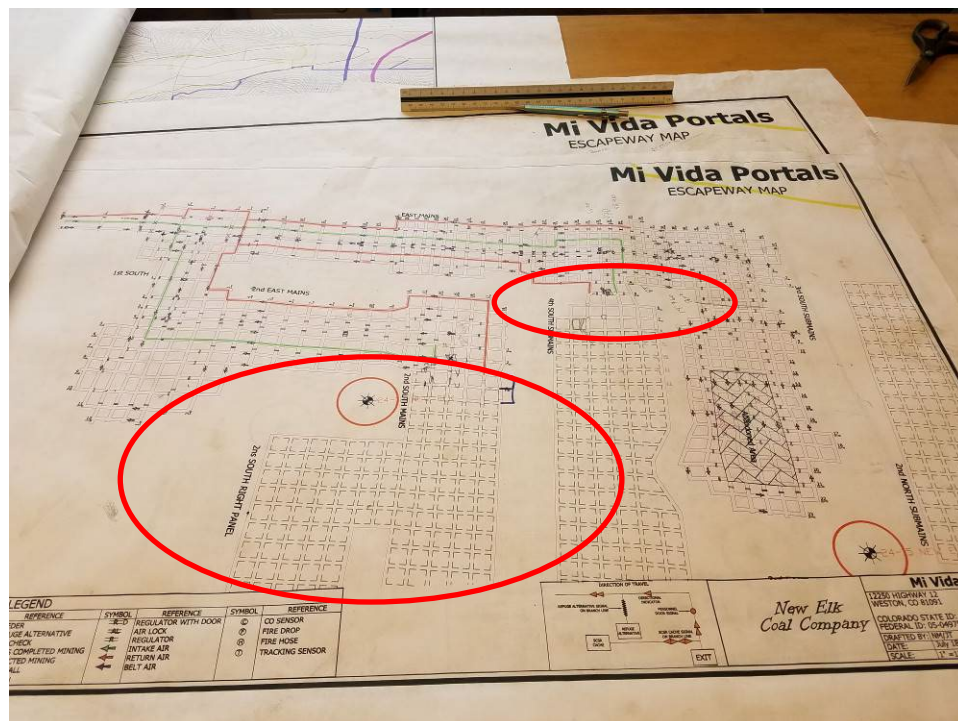


Figure 4. Mi Vida Portals, Escapeway Map, July 18, 2022. Approximate location of differences in working than what is approved in Map 3.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0

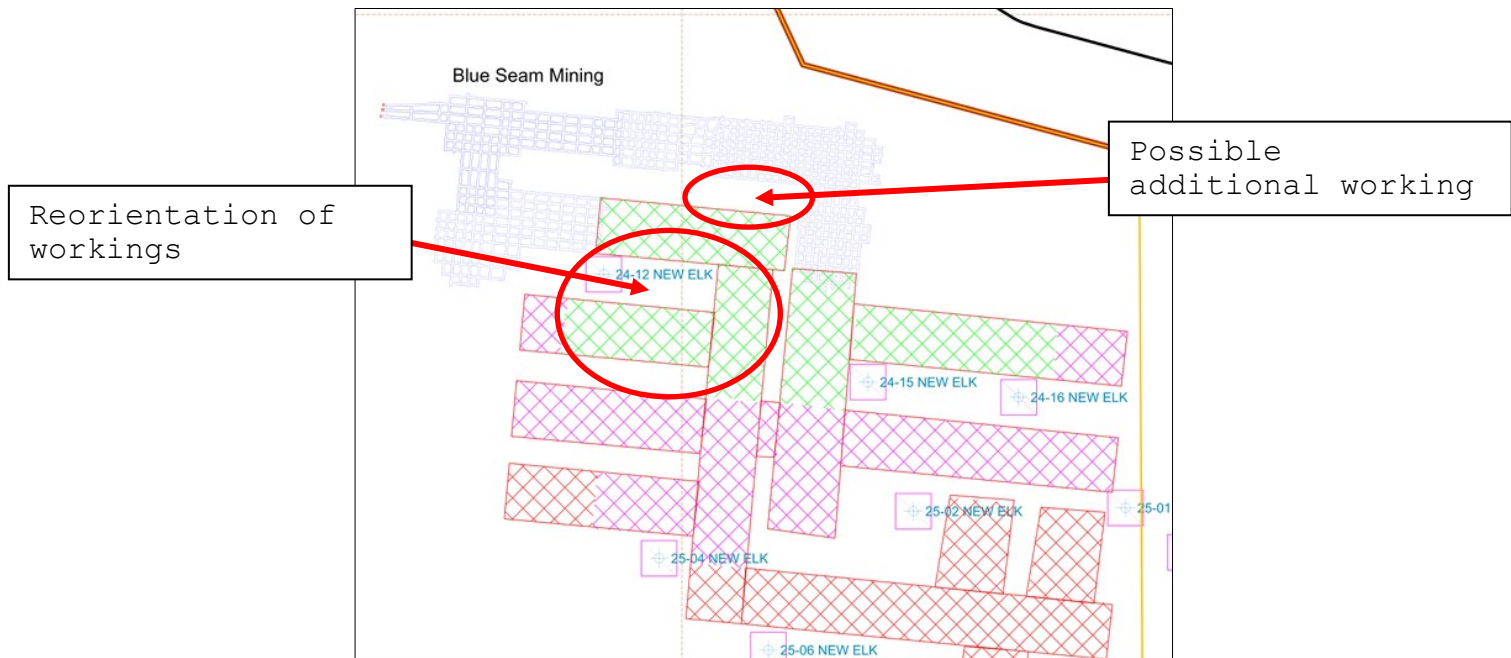


Figure 5. Map 3 - blue Seam Mine Plan

NECC will need to submit a minor revision to update the timing and sequence and aerial extent of the underground workings in accordance with Rule 2.05.3(2)(b).

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

Drainage Control; Surface Stabilization; Placement:

The conveyor from the wash plant was not operating at the time of the inspection. However, NECC was hauling larger diameter waste rock from the facilities area to the Refuse Disposal Area (RDA) at the time of the inspection and appeared to be stockpiling the material in the northeast portion of the RDA. The top of the RDA was very moist due to recent precipitation that had occurred in the area. According to Mr. Mason, they are conducting frequent compaction tests to insure proper compaction.

The lower reclaimed benches of the RDA were observed, and the area is stable and vegetated.

SUPPORT FACILITIES - Rule 4.04:

The Small Area Exemption (SAE) south of Pond 007a was observed. Overall this area is maintained in an organized fashion and NECC has installed several new silt fence barriers in the roadside ditches on the east side of the SAE. Outfall 010 was clear and functional and not discharging.

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 were observed west of Pond 001. These piles were stable and vegetated.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0

DOCUMENTS RECEIVED: None

OTHER (SPECIFY)

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0

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 is under review by the Division.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 0