



STATE OF
COLORADO

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New Elk Mine, C-1981-010, 3Q 2022 Waste Pile Report Review

1 message

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

Fri, Oct 28, 2022 at 10:05 AM

To: Nick Mason <nmason@newelkcoal.com>

Cc: Brock Bowles <brock.bowles@state.co.us>

Hello Nick,

Please see the attached review letter for the 3Q waste pile report. Did NECC take water level measurements on the RDA during the 3rd quarter? The data shown on the report is dated June 24, 2022 during the 2nd quarter.

Thank you,

Jared

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Jared Ebert

Senior Environmental Protection Specialist



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

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3Q2022_WasteBankInspReview_C1981012_28Oct2022.pdf

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

October 28, 2022

New Elk Coal Company, LLC.
Attn: Mark Gray
12250 Highway 12
Weston, Colorado 81091

Re: New Elk Mine; C-1981-012
Third Quarter 2022 Coal Waste Bank Inspection Report Review

Dear Mr. Gray:

The Colorado Division of Reclamation, Mining, and Safety (DRMS or Division) received a quarterly inspection report for the three coal waste banks at the New Elk Mine on September 26, 2022. The report covers the third quarter, 2022 monitoring period. The site was inspected on August 10, 2022. The report appears to be in compliance with DRMS Regulations 4.09.1(11) and 4.10.2(2), unless noted below.

Development Waste Disposal Area No. 1 (DWDA No. 1) was inspected. This feature was closed and reclaimed in 2004. The area received Phase 1 bond release in 2005. No issues were noted.

Development Waste Disposal Area No. 2 (DWDA No. 2) was inspected. According to the report refuse placement has been completed and the operator has trucked excess waste to the RDA so that finished slopes can be brought to approved grade. The excess storage space on the west end of the pile is used as a sediment drying area. The sump on the east end of the pile was noted as being cleaned out at the time of the inspection. No refuse placement has occurred since the May 2012 compaction testing that indicated approved plan compliance. NECC cited they observed some surface erosion of the pile but not enough to make the area unstable and that no signs of failure or instability were noted. However, a rill was noted on the east end of the waste pile and the inspector indicated the rill should be filled and check dams put in place to prevent the rill from developing again.

The Refuse Disposal Area (RDA) was inspected. According to the report New Elk Coal Company, LLC. (NECC) has begun production again and therefore has placed refuse on the pile since re-initiation of production in June 2021. According to the report sumps on top of the RDA have been recently cleaned. Periodically CTL-Thompson, a geotechnical engineering firm, evaluates refuse compaction. According to the report, testing has demonstrated that the operation has achieved in excess of the required 90% compaction. According to the Permit Application Package (PAP), compaction tests will be taken frequently and at locations of not less than one per every other layer at random locations across the pile. The report included compaction test results from CTL-Thompson dated September 21, 2022. Three tests were conducted and each test resulted in 99% compaction. Three monitoring wells were monitored for water levels. No issues were noted. **However, according to the report the water levels were taken on June 24, 2022 during the second quarter. NECC will need to submit water level data for the third quarter. The Division requests this water level data be submitted by November 28, 2022.**

The inspection was conducted by Vince Massarotti, under the direction of Mr. Stormes, a registered professional engineer licensed in the State of Colorado. The inspection report was stamped by Mr. Stormes and dated September 21, 2022.



New Elk Mine, C-1981-012

October 28, 2022

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If you have any questions feel free to contact me at Jared.Ebert@state.co.us or (303) 866-3567 ext. 8120.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared Ebert". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jared Ebert

Senior Environmental Protection Specialist

Ec: Nick Mason; NECC, nmason@newelkcoal.com
Bill Stormes; NECC, bstormes@newelkcoal.com