



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: Pete Saint
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: November 10, 2022 Inspection Start Time: 08:00 Inspection End Date: November 10, 2022 Inspection End Time: 14:00		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts:	
Post Inspection Agency: None		Post Inspection Contacts:	
Inspector(s): Brock Bowles Amber Michels Jared Ebert	Inspector's Signature:  Signature Date: November 15, 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

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

N - 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 complete inspection was conducted by Brock Bowles, Amber Michels and Jared Ebert of the Division of Reclamation, Mining and Safety (Division). Pete Saint of the New Elk Mine was present for the inspection. The weather was sunny, cool and the ground condition were dry.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The records were checked in the mine office. The following items need to be updated:

- Corporate surety from SI4, approved 9/24/2022
- DRMS inspection reports, last report on file is Aug 23, 2022
- Haul road certification for the TR76 road

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

DWDA #1 was well vegetated and appeared to be stable.

DWDA #2 did not have vegetation and contained numerous rills and gullies. Ditches D12 and D14 are in place directing all runoff and sediment to a catchment basin at the east end of the pile. Both ditches were clear of obstructions. The sediment basin had recently been cleaned (photo 1). The east berm of the sediment basin that was noted needing repair in the Sept 2022 inspection report has been repaired (photo 2).

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:

Culverts C9 and C9A were clean.

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Ditch D7 is a clean water diversion located east of the Portable Explosive and Chemical Storage area. The berm separating the explosive area and D7 is very low and nearly ineffective. This berm needs to be re-established.

Ditch D5 is located on the north side of the C&W Trainshop yard. A section of the berm on the east end of the storage yard that separates the disturbed area from the Purgatoire River is very low and nearly ineffective. This berm needs to be re-established.

The SAE structure for the 400k gal water tank was in good condition (photo 3). The check dams along the water tower access road in Ditch D18 need cleaning.

Pond 6 contained water. The embankment appeared to be stable.

Pond 7 contained water and was not discharging. The primary and emergency spillways were free and clear of obstructions. The embankment appeared to be stable.

Pond 8 contained water and was not discharging.

Ditches D32B and D22A along with culverts C22 and C32 leading into Pond 7 were all free and clear of obstructions.

The concrete box at the bottom of the clean water flume by the portal has been partially cleaned (photo 4). Culvert C46 under the road by the clean water concrete box needs to be cleaned and have the willows removed on the outlet side of the culvert because they are obstructing the water flow (photo 5).

Containment structures 3 and 4 did not contain water.

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

Drainage Control; Surface Stabilization; Placement:

Waste material was being conveyored to the RDA and hauled across the top of the pile for drying by articulating trucks (photo 6). The top of the RDA was sloped to the sides for positive drainage. No ponding or low spots were seen on the pile.

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):

The haul road in the facilities area was well maintained and being watered during this inspection.

The TR-76 haul road was in good condition and passable. The road was not being used at the time of this inspection and the east gate was locked at Ciruela Canyon Road.

SUPPORT FACILITIES - Rule 4.04:

A few of the liquid storage containers being store in the Portable Explosive and Chemical Storage area

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were damaged (photo 7). These containers had holes in the top and were being filled with rainwater. They are getting close to overflowing and they need to be addressed before they spill on the ground.

TOPSOIL – Rule 4.06

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

Topsoil pile #1 was well vegetated and there were no signs of erosion features. The topsoil marker sign was in place and the sediment ring/berm was in working order.

DOCUMENTS RECEIVED: None

ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

PHOTOGRAPHS



Photo 1-DWDA #2 sediment pond and D12 in foreground

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Photo 2 – Sediment basin berm repaired



Photo 3 – SAE silt fence in good condition

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Photo 4 – Clean water diversion box partially cleaned



Photo 5 – Willows need to be removed from culvert outlets

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Photo 6 – Material drying on top of RDA



Photo 7 – Damaged chemical containers

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	February 28, 2024
Permit Application w/Revisions	1*
Findings Document	RN7 Nov. 2019
Insurance Certificate	5/3/2022
Bond Document	\$4,605,014.08 – CS
Phased Bond Release	SL-2
Documents/Findings	
Air Emission Permits	2*
County Special Use Permits	Exempt
UG Mining Landowner Notification	2/2021
Subsidence Monitoring Reports	n/a
Subsidence Monitoring Data	n/a
Rill & Gully Survey	2022 ARR
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	Feb 2022
Midterm Review Documents	MT8
DRMS/OSM Inspection	Aug 23, 2022
Reports/Enforcement Actions (3 Years)	
Transfers/Succession of Operator	SO4 1/22/2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	MT8
CERTIFICATIONS	
Pond Certifications	Yes
Annual Certifications for Impoundments	Q3 2022
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	Q3 2022
• Compaction Testing	9/21/2022
• Final Certification	n/a
Coal Processing Waste Banks	9/21/2022
Haul Road Certifications	8/2022 Exh. 32
Access Road Certifications	n/a

HYDROLOGIC RECORDS

NPDES Permit	3*
NPDES Records	9/2022
Stormwater Management Plan	1/2016
SPCC Plan	4/2012
MSHA Pond Inspections	12/8/2021
	n/a
State Engineer's Pond Inspection	
Quarterly Pond Inspections	3Q 2022
Annual Hydrology Reports	
• Ground Water Monitoring	2021 AHR
• Surface Water Monitoring	2021 AHR, DMR 7/2022
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	AHR 2014
• Water Consumption Records	8/2022
Well Permits	yes

BLASTING RECORDS

Blasting Publication	n/a
Blasting Records (3 years)	n/a
ATFE Explosives Permit	n/a
Blasting Variances	n/a
Pre-Blast Surveys	n/a

ADDITIONAL RECORDS (specify)

COMMENTS: 1* Permit file is located in the mine office – does not appear updated with recent revisions.

2* 21LA0184F-1, 21LA0185-1, 21LA0186-1, 21LA0201 Jansen Rail Yard Coal Loadout (AIRS ID 071-0977), Construction permit 84LA074F-1 – August 12, 2021

3* Issued 4/30/2015 Applied for in Dec 2019

Yellow items need to be updated

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