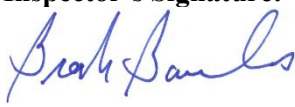




PERMIT INFORMATION

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: January 26, 2023 Inspection Start Time: 09:30 Inspection End Date: January 26, 2023 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:
Post Inspection Agency: None	Post Inspection Contacts:
Inspector(s): Brock Bowles	Inspector's Signature:  Signature Date: February 1, 2023

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

N - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

N - Signs and Markers

R - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

COMMENTS

This partial inspection was conducted by Brock Bowles of the Division of Reclamation, Mining and Safety (Division). Nick Mason of the New Elk Mine was present for the inspection. The weather was sunny, cold (3F) and about 6 inches of snow was on the ground.

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:

NPDES outfall #1 was free and clear of obstructions and appeared to be in working order. Pond 1 contain a small amount of water which was frozen. No water was discharging (photo 1).

NPDES outfall #7 was in working order and was free of obstructions. Pond 7 contained a small amount of water which was frozen. No water was discharging.

NPDES outfall #8 was in working order and free of obstructions. Pond 8 contained some water which was frozen. No water was discharging.

NPDES outfall #10 is a stormwater discharge and is a SAE for the east staging/material storage area (CDPS permit #CO0000906 fact sheet). #10 consists of a series of silt fence catchments basins on either side of the access road which were all in working order. No water was discharging but a couple of tumble weeds were in the catchments basins that need to be cleared (photo 2).

NPDES outfall #11 is approved to discharge the runoff from the north topsoil SAE (topsoil stockpile #2) as per the CDPS permit #CO0000906 fact sheet. Ditches D11 and D19 collect runoff from mine related disturbed areas outside of the approved SAE area and directs the runoff to outfall #11. The runoff collected in ditches D11 and D19 does not pass through a sediment control structure(s) before it is discharged to the Purgatoire River (photo 3).

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 2

All surface drainage from disturbed areas need to pass through some kind of treatment facility before leaving the permit area as per Rule 4.05.2(1). A sediment control structure(s) needs to be installed above discharged #11, be appropriately sized to effectively treat the area between the RDA access road, ditch D11 and ditch D19, and meet the standards of Rule 4.05.5, 4.05.6, and 4.05.9. Please consult with CDPHE regarding proposed changes to the NPDES permit for outfall #11 before installing any structures. NECC must submit a Technical Revision to address this issue within 60 days of this inspection report.

NPDES outfall #12 was free of obstructions. #12 consists of a series of catch basins along the RDA access road. No water was discharging.

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 main facilities area was maintained, plowed and well drained. Coal haul trucks were running at the time of this inspection. No coal debris or mud was seen on State Hwy 12 from trucks entering the roadway.

OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

A train was being loaded at the Jansen Loadout (photo 4).

DOCUMENTS RECEIVED: none

ENFORCEMENT ACTIONS/COMPLIANCE

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

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 2

PHOTOGRAPHS



Photo 1 – Outfall #1



Photo 2 – Outfall #10

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 2

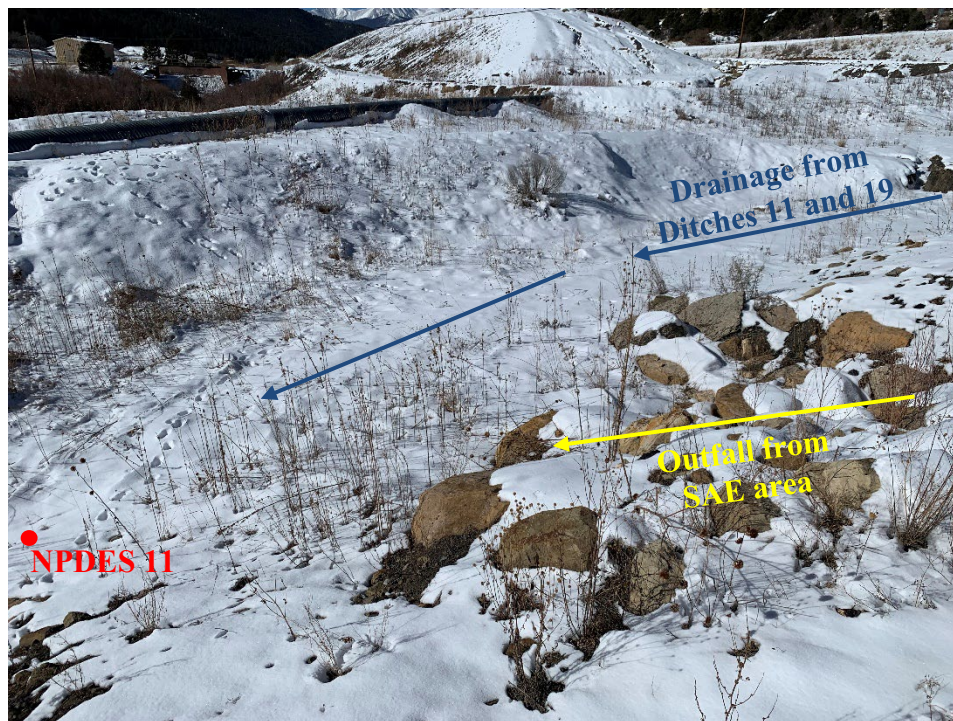


Photo 3 – Outfall #11



Photo 4 – Train being loaded at the Jansen load-out

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 2