

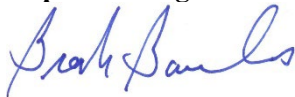
**COLORADO****Division of Reclamation,  
Mining and Safety**

Department of Natural Resources

**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-012 <b>Mine Name:</b> New Elk Mine <b>Operator:</b> New Elk Coal Company, LLC <b>Operator Address:</b> Mr. Mark Gray 12250 Highway 12 Weston, CO 81091	<b>County:</b> Las Animas <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Nick Mason
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> February 23, 2023 <b>Inspection Start Time:</b> 11:00 <b>Inspection End Date:</b> February 23, 2023 <b>Inspection End Time:</b> 14:30		<b>Inspection Type:</b> Coal Complete Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Cloudy	
<b>Joint Inspection Agency:</b>  None		<b>Joint Inspection Contacts:</b>  	
<b>Post Inspection Agency:</b>  None		<b>Post Inspection Contacts:</b>  	
<b>Inspector(s):</b>  Brock Bowles	<b>Inspector's Signature:</b> 		<b>Signature Date:</b>  February 28, 2023

**Inspection Topic Summary**

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

N - Air Resource Protection	N - Roads
R - Availability of Records	N - Reclamation Success
N - Backfill & Grading	N - Revegetation
R - Excess Spoil and Dev. Waste	N - Subsidence
N - Explosives	N - Slides and Other Damage
N - Fish & Wildlife	N - Support Facilities On-site
R - Hydrologic Balance	N - Signs and Markers
N - Gen. Compliance With Mine Plan	N - Support Facilities Not On-site
N - Other	N - Special Categories Of Mining
R - Processing Waste	N - Topsoil

**COMMENTS**

This complete 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 mostly cloudy, cool, with a moderate breeze and occasional snow flurries coming off the mountains. The ground was mostly dry with some patchy snow and mud.

**AVAILABILITY OF RECORDS – Rule 5.02.4(1):**

The mine records were checked in the office. The records check list is available at the end of this report.

**EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09**

Placement; Drainage Control; Surface Stabilization:

The DWDA #2 appeared to be stable. The length of ditch D14 was inspected and was in good condition. Some water was contained in the catchment basin on the east side (photo 1).

**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 sediment fences in the Discharge #10 SAE were in good condition.

Pond 1 contained some water with ice and was not discharging. The liner appeared in good condition.

Pond 4 did not contain water and the discharge structures were clear of obstructions. Some of the vegetation was cleaned from the bottom of the pond (photo 2). The embankment was inspected. It was well vegetated with grasses and appeared to be stable. There were no signs of animal burrows or erosion.

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Number of Complete Inspections this Fiscal Year: 3

Pond 6 contained water (no ice) and was 8-10 feet below the crest.

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

Pond 8 contained water but was not discharging (photo 3). The spillways were free and clear of obstructions.

Ditches 32A and 32B around the prep plant were in working order (photo 4).

Containment 1 did not contain water. It was well vegetated with grasses and willows and appeared to be stable.

Containment 2 did not contain water (photo 5). It was well vegetated and appeared to be stable.

Containments 3 and 4 did not contain water.

Containment 5 had some water and ice (photo 6).

The berm separating Ditch D7 and Portable Explosive and Chemical Storage area has been built up creating a better barrier between the two areas. This item was documented as needing repair in the November 2022 inspection report.

The catchment basins along the RDA haul road did not contain water and were clean (photo 7).

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

Drainage Control; Surface Stabilization; Placement:

The top of the RDA was sloped to created positive drainage. No piles of waste were drying.

#### DOCUMENTS RECEIVED

#### OTHER (SPECIFY)

#### ENFORCEMENT ACTIONS/COMPLIANCE

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

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**PHOTOGRAPHS**



Photo 1 – DWDA #2 catchment on east side



Photo 2 – Pond 4 had some willows and vegetation removed

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Photo 3 – Pond 8 and embankment facing east



Photo 4 – Ditch 32A by prep plant

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Photo 5 – Containment 2



Photo 6 – Containment 5

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Photo 7 – Catchment basin along RDA haul road

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**AVAILABILITY OF RECORDS****PERMIT RECORDS**

DRMS Permit	X
Permit Application w/Revisions	X
Findings Document	X- PR7
Insurance Certificate	X – 2023
Bond Document	X – 2022
Phased Bond Release	X – SL2
Documents/Findings	
Air Emission Permits	X
County Special Use Permits	n/a
UG Mining Landowner Notification	X – 2012
Subsidence Monitoring Reports	
Subsidence Monitoring Data	
Rill & Gully Survey	X
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	X – 2022
Midterm Review Documents	X – MT8
DRMS/OSM Inspection	X – 1/2023
Reports/Enforcement Actions (3 Years)	
Transfers/Succession of Operator	X - 2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	X – MT8
<b>CERTIFICATIONS</b>	
Pond Certifications	X
Annual Certifications for Impoundments	X – 4 <sup>th</sup> 2022
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	X – 4 <sup>th</sup> 2022
• Compaction Testing	X – 4 <sup>th</sup> 2022
• Final Certification	n/a
Coal Processing Waste Banks	X
Haul Road Certifications	X
Access Road Certifications	n/a

**HYDROLOGIC RECORDS**

NPDES Permit	X – admin ext.
NPDES Records	X – 12/2022
Stormwater Management Plan	X
SPCC Plan	X
MSHA Pond Inspections	X – 12/2022
	X – 4 <sup>th</sup> 2022
State Engineer's Pond Inspection	
Quarterly Pond Inspections	X – 4 <sup>th</sup> 2022
Annual Hydrology Reports	X – 2021
• Ground Water Monitoring	X
• Surface Water Monitoring	X
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	X
• Water Consumption Records	X
Well Permits	X

**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:**


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