



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

April 14, 2023

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

**Re: New Elk Mine; C-1981-012**  
**First Quarter 2023 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 March 31, 2023. The report covers the first quarter, 2023 monitoring period. The site was inspected on March 14, 2023. 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. The west end of the pile is used as a sediment drying area. The sump on the east end of the pile has been cleaned out. 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.

The Refuse Disposal Area (RDA) was inspected. According to the report, positive drainage is maintained on the top of the RDA, sumps have been cleaned and there is no ponding on top of the pile. The Permit Application Package (PAP) states that compaction tests will be taken frequently and at locations of not less than one per every other layer at random locations across the pile. CTL-Thompson, a geotechnical engineering firm, conducted a refuse compaction test on March 22, 2023. The test results for two compaction tests were 100% and 98% compaction. The compaction testing report demonstrated that the operation has achieved in excess of the required 90% compaction. Three monitoring wells were monitored for water levels on March 24, 2023. No issues were noted.

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 March 28, 2023.

If you have any questions feel free to contact me at [Brock.Bowles@state.co.us](mailto:Brock.Bowles@state.co.us) or (720) 774-0040.

Sincerely,



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Brock Bowles  
Environmental Protection Specialist

Ec: Nick Mason; NECC, [nmason@newelkcoal.com](mailto:nmason@newelkcoal.com)