



---

## C-1981-035 August Partial Inspection Report and Cover Letter

---

**West - DNR, Lucas** <lucas.west@state.co.us>

Tue, Aug 22, 2023 at 2:58 PM

To: McCourt Jordan <jmccourt@gcc.com>, svance@gcc.com, Wymore Wade <wwymore@gcc.com>, cdorenkamp@gcc.com, "tom@haygulchservices.com" <tom@haygulchservices.com>, Clayton Wein - DNR <clayton.wein@state.co.us>, DNR DRMS\_CoalAdmin - DNR <dnr\_drms\_coal\_admin@state.co.us>

Good Afternoon All,

Please see the attached Inspection Report and cover letter that addresses priority maintenance items from our visit in August. After returning to the office and looking over records we have a few issues, as well as issues observed on site that need to be addressed. If you have any questions please contact myself or Clayton. Thanks,  
Lucas

Lucas West  
Environmental Protection Specialist  
Minerals Program, Grand Junction Field Office



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

P 303.866.3567 Ext. 8187 | F 970.241.1516 | C 303.919.2997

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

[lucas.west@state.co.us](mailto:lucas.west@state.co.us) | <https://drms.colorado.gov/>



---

**King Mine, C-1981-035, August 2023 Post Inspection Corrective Actions\_Final.pdf**  
602K



August 22, 2023

Jordan McCourt  
GCC Energy, LLC  
6473 County Road 120  
Hesperus, CO 81326

**Re: King Coal Mine Permit No. C-1981-035**  
**August 2023 Post Inspection Outstanding Maintenance Items**

Dear Mr. McCourt,

Upon completion of the Division's August 16, 2023 inspection Six (6) required outstanding maintenance items were identified. These past due maintenance items are located in the King I Refuse Disposal Area. Please see the items listed below. **Corrective actions 1, 2, 3 and 5 must be completed by Tuesday September 5, 2023. Photographs and documentation must be submitted to the Division in order for the outstanding maintenance items to be considered resolved. If the outstanding maintenance items are not completed by September 5, 2023, The Division will pursue enforcement action. Maintenance Items 2, 3 and 4 are located on an excerpt of the King I Map 007 included at the end of this document as Attachment 1.**

1. The Division has notified the operator in its Inspection Reports from May, June, July and August of 2023, that culverts along the King I haul road between the upper and lower refuse piles needed to be cleaned. The 2<sup>nd</sup> Quarter Professional Certification for the Coal Mine Waste Banks for 2023 also included a recommendation to the operator to clean these same culverts. **These culverts must be cleaned to ensure that proper drainage within the refuse disposal area continues. Please submit photos of all culverts along the haul road once they have been cleaned.**
2. It was noted that the northeastern portion of the lower refuse pile has encroached on Reach 13 of the surface drainage features. The space between the lower refuse pile and the eastern Clearwater ditch has buried the location where the ditch should exist. This surface water drainage feature is no longer functional as designed and shown on Map 007. It would destabilize the lower refuse pile to remove refuse material from this area to restore Reach 13. Please re-route reach 13 where it intersects the top of the lower refuse pile. The Division recommends creating a segment of a ditch that connects Reach 13 along the southern portion of the refuse pile and connecting it to Reach 10. This new portion of Reach 13 should be made to the same size and dimensions as approved on King I Map 007A. **Please submit photos to the Division when this portion of the surface drainage system is completed.**



3. The Division's August 2023 Inspection identified that Reach 10 of the surface drainage features does not reflect the design or location as presented on the approved King I Map 007. Reach 10 no longer follows the haul road along the south-southwest section of the lower refuse pile. **Please restore this section of Reach 10 to reflect the location and design presented on Map 007. Submit photos to the Division when this task has been completed.**
4. The northwestern section of reach 10 has had erosional problems in 2023. The operator has redesigned this section of Reach 10 to help slow and control the flow of water off of the lower refuse pile. The Division believes that this design will be more effective at routing surface runoff from the lower pile. However, the current location and design of this section of Reach 10 is not reflected on Map 007 and Map 007A. Additionally there are no current SEDCAD designs supporting this drainage design in the current Permit Application Package. **A Technical Revision is required to remedy this deficiency. Please create a Technical Revision Application to update the Permit Application Package with a new Map 007, Map 007A, SEDCAD designs and all accompanying permit text to reflect the new ditch design and location. This Technical Revision can be included with the required remedy for Item No. 6.**
5. The Division is currently investigating the approved geotechnical and surface drainage designs of the King I Refuse Disposal Area. Please submit to the Division a map showing the most current data for the refuse disposal area's elevation contours. **Please provide the Division with this map no later than September 5, 2023.**
6. The Division will be sending the operator a letter in the near future discussing the applicability of a new Technical Revision addressing these concerns. Item No. 4 from this letter can be included in this future technical Revision.

Please feel free to contact me at (303)-866-3567 x8185 to discuss any of the outstanding maintenance items and corrective actions outlined above.

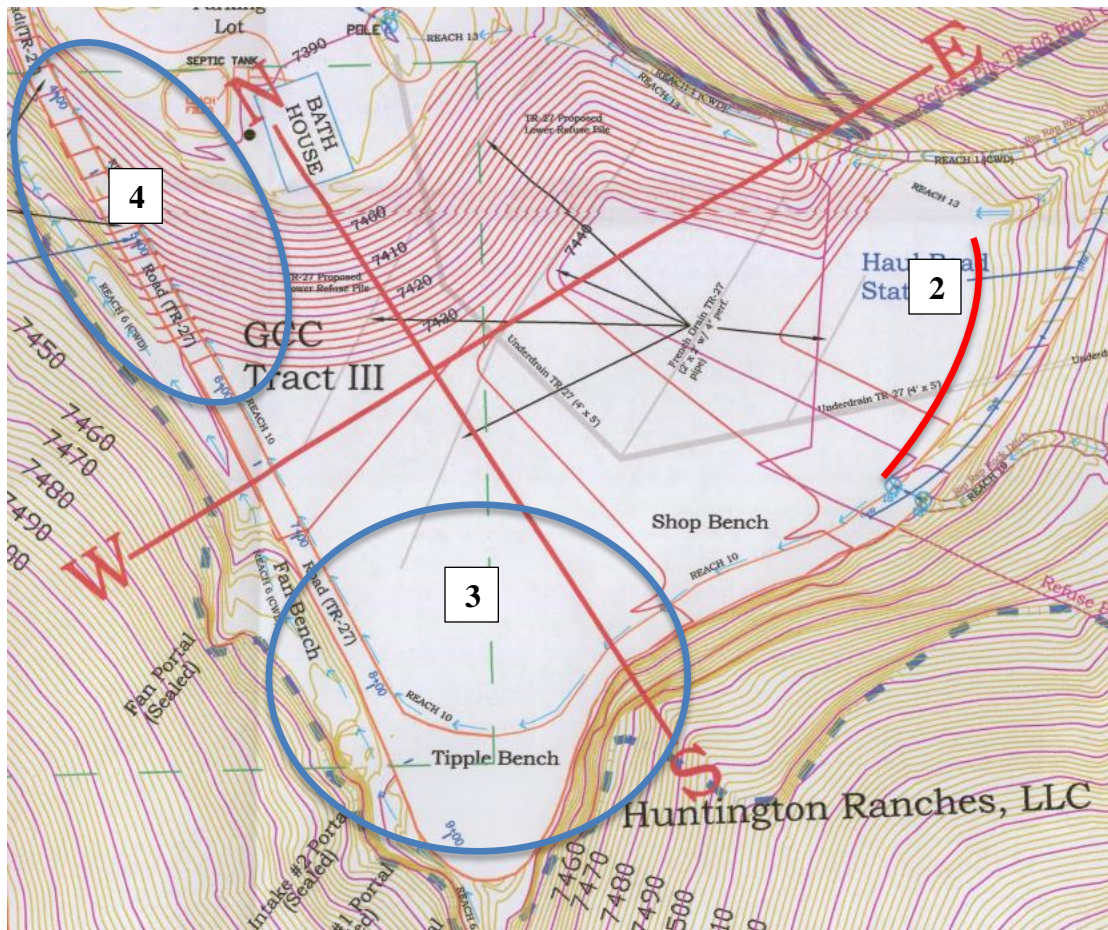
Sincerely,



Clayton Wein  
Environmental Protection Specialist  
[clayton.wein@state.co.us](mailto:clayton.wein@state.co.us)

cc: Travis Marshall, Senior Environmental Protection Specialist

Attachment 1:






**PERMIT INFORMATION**

<b>Permit Number:</b> C-1981-035 <b>Mine Name:</b> King Coal Mine <b>Operator:</b> GCC Energy, LLC <b>Operator Address:</b> Mr Jordan McCourt 6473 County Road 120 Hesperus, CO 81326	<b>County:</b> La Plata <b>Operation Type:</b> Underground <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Wade Wymore
<b>Operator Representative Signature:</b> (Field Issuance Only)  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> August 16, 2023 <b>Inspection Start Time:</b> 13:34 <b>Inspection End Date:</b> August 16, 2023 <b>Inspection End Time:</b> 15:41	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear
<b>Joint Inspection Agency:</b>  None	<b>Joint Inspection Contacts:</b>  None
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>  None
<b>Inspector(s):</b>  Lucas West	<b>Inspector's Signature:</b>  <b>Signature Date:</b> 8/22/2023

**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 &amp; Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

N - Other

R - Processing Waste

N - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

**COMMENTS**

This was a partial inspection conducted by Lucas West of the Colorado Division of Reclamation, Mining and Safety as part of the normal monitoring program for permitted sites. Wade Wymore accompanied the inspection and represented the Operator. Normal activities were taking place at the mine during the inspection. At the King II area, the stackers were active and trucks were being loaded at the time of the inspection. At the King I facility, refuse material was actively being moved from the lower to the upper storage area via belly dump scaper and compacted into place. The weather was clear and dry at the time of the inspection. Ten Photos accompany this report to illustrate the current site conditions.

During the inspection several maintenance items were identified that need immediate attention. Details regarding these maintenance items are outlined in the attached cover letter, as well as the body of this report. The numbering of these items correspond to the attached cover letter, items not specifically mentioned in this report will be addressed with the Operator under a separate cover. The maintenance items requiring immediate attention are;

1. The upper two culverts on the access road are fully or partially plugged. As discussed, the culverts need to be cleaned and or replaced and photo documentation provided to the Division no later than Tuesday September 5, 2023.
2. A portion of Reach 13, around the northeast side of the Lower Refuse Pile is non-existent creating improper drainage. The Operator needs to re-route Reach 13 along the south of the access road connecting it with Reach 10 ensuring proper drainage of surface water around the Refuse Pile. This must be completed and photo documentation provided to the Division no later than Tuesday September 5, 2023.
3. Additionally, Reach 10 does not reflect its design or location in accordance with the approved Map 007. Reach 10 needs to be reestablished to its specified design and location, with photo documentation of its completion provided to the Division no later than Tuesday September 5, 2023.
5. The implemented construction of the Lower Refuse Pile appears to be inconsistent with the approved design. Please provide the Division with a topographic map with labeled contours of the Lower Refuse Pile in its current state. The map should be provided to the Division no later than Tuesday September 5, 2023.

Number of Partial Inspection this Fiscal Year: 2Number of Complete Inspections this Fiscal Year: 0



**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:

**King I Area;**

During the inspection both the East and the West Clear Water Ditches were observed. Both ditches were free from obstruction and appeared to be able to function as designed. No evidence of recent flow was noted, however the area has been experiencing recent precipitation events and no evidence of erosion or altered flow was noted. The two Clear Water Ditches can be seen in Photos One and Two.

The newly construction section of Reach 10 that conveys water from the Lower Refuse Pile (LRP) was noted to be in good condition and free from obstruction. The ditch can be seen in Photo Three. As noted in the cover letter the new location and design of ditch will be more effective, however is not consistent with the approved design. This will need to be handled through the Technical Revision Process. Additionally, The approved design for water conveyances around the LRP include Reaches 10 and 13. Reach 10 is supposed to flow from the lowest culvert along the access road, along the South and West sides of the LRP, however currently there is no established ditch to convey the water as noted in Photos Four and Five. Surface water is conveyed by way of sheet flow across the graded top of the LRP eventually joining the newly constructed ditch as shown in Photo Three. The Operator should re-establish the design and location that is approved for Reach 10, controlling the flow around the LRP. Similarly, Reach 13 is designed to convey surface flows from the hillside between the LRP and the Upper Refuse Pile (URP) down a constructed slope to the culvert system below the LRP. This ditch and constructed slope has been consumed by waste placement, leaving no conveyance to control the surface flows as seen in Photos Six and Seven. The Division recommends establishing a temporary conveyance that connects Reach 13 with Reach 10 as noted as Item 2, of Attachment 1 to the cover letter included with this report. The establishment of these conveyances is considered a maintenance item that requires immediate attention. The Operator should establish the conveyances in their intended or temporary location, to their approved design specifications and provide photo documentation of completion via email to the Division no later than Tuesday September 5, 2023.

The culverts along the access road between the Upper and Lower Refuse Piles were noted. The lowest culvert is clear and able to function as designed, however the middle and upper culverts have been identified to be in need of repair or replacement since the Division's May inspection. This is being cited as a maintenance item that requires immediate attention. The operator should clean or replace the culverts as necessary, and provide photo documentation via email to the Division no later than Tuesday September 5, 2023.

**King II Area;**

At the King II Area both the East and West Clear Water Ditches were observed. The ditches have been recently cleared of volunteer vegetation and were free from any other obstruction. The ditches appear to be able to function as designed and can be seen in Photos Eight and Nine. At the time of the inspection, the main sediment pond at the King II facility was actively being cleaned out as seen in Photo Ten. Inflow water has been routed into a trench along the east side of the sediment pond and conveyed to the south end of pond. This allows the sediment pond to still function during the cleanout efforts. The cleanout is approximately 75% complete and all material excavated is being trucked to the LRP at the King I facility to be blended with more coarse waste and placed in the

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0

facility. Approximately 4 feet of sediment is being excavated from the sediment pond.

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

##### Drainage Control; Surface Stabilization; Placement:

At the King I facility both the URP and the LRP were observed. The URP was found to be in good condition, with a small stockpile of waste material being stored. The URP exhibits positive drainage as no impounded storm water was noted and no evidence of erosion from sheet flow was observed.

The LRP was observed, and the current layout of the constructed pile appears to be inconsistent with the approved design plans. Specifically, the Northeast section of pile is approved to be sloped, creating a small valley to keep refuse material away from the East Clear Water Ditch. It appears that the pad has been constructed in a way that the slope and proposed valley have been filled in, butting the refuse pile to the CWD in some areas. This area is also the location of Reach 13 seen in Photos Six and Seven. To verify this and determine a path forward, the Operator should provide the Division with a topographic map of the LRP with labeled contour intervals showing the facility in its current state. That map should be provided to the Division, via email no later than Tuesday September 5, 2023.

### PHOTOGRAPHS



Photo One: View East, showing the East Clear Water Ditch at the King I Facility.

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0

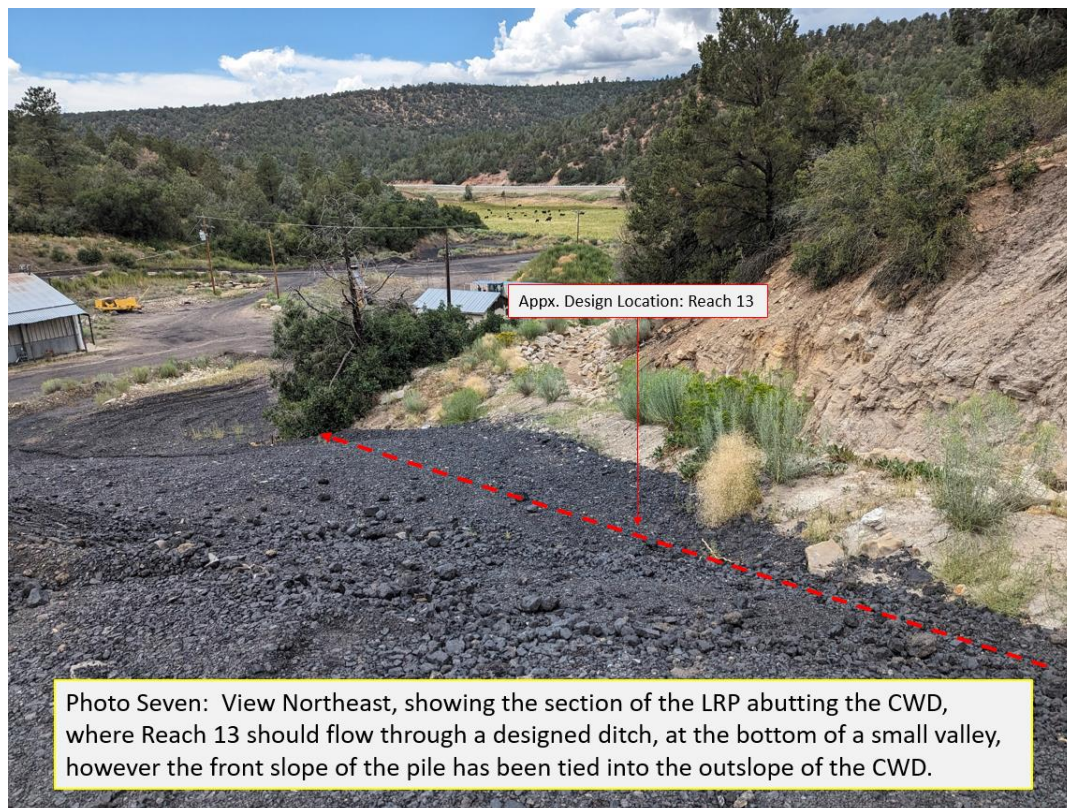




Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





Photo Eight: View North, showing the East Clear Water Ditch at the King II Facility. The ditch has recently been cleaned, and is unobstructed.



Photo Nine: View South, showing a portion of the West Clear Water Ditch at the King II Facility. The ditch shows evidence of recent flows and appears to be functioning as designed.

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0