

STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

New Elk Mine, C-1981-012 Inspection Report

1 message

Ebert - DNR, Jared <jared.ebert@state.co.us>

Tue, Sep 12, 2023 at 3:02 PM

To: Nick Mason <nmason@newelkcoal.com>

Cc: Amber Michels - DNR <amber.michels@state.co.us>, DNR_DRMS_Coal_Admin <dnr_drms_coal_admin@state.co.us>

Hello Nick,

Attached is the inspection report from the September 5, 2023 Inspection. Maintenance issues are shown in bold text.

Please let me know if you have any questions or concerns.

Thanks,

Jared

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Jared Ebert

Senior Environmental Protection Specialist

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

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2451K

PERMIT INFORMATION

Permit Number: C-1981-012 Mine Name: New Elk Mine Operator: New Elk Coal Company, LLC Operator Address: Mr. Nick Mason 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: September 5, 2023 Inspection Start Time: 12:16 Inspection End Date: September 5, 2023 Inspection End Time: 15:00		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): Jared Ebert Amber Michels	Inspector's Signature:  Signature Date: September 12, 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
R - Excess Spoil and Dev. Waste
N - Explosives
N - Fish & Wildlife
R - Hydrologic Balance
R - Gen. Compliance With Mine Plan
N - Other
R - Processing Waste

N - Roads
N - Reclamation Success
N - Revegetation
N - Subsidence
R - 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 was a partial inspection of the New Elk Mine, Colorado Division of Reclamation, Mining and Safety (“DRMS” or “Division”) permit number C-1981-012, operated by New Elk Coal Company, LLC. (“NECC”). I, Jared Ebert and Amber Michels with the Division, conducted the inspection. Mr. Nick Mason with NECC accompanied us during the inspection. **Maintenance items are listed below in bold text.**

The Renewal No. 8 (RN8) application was deemed complete on August 31, 2023. The application is currently under review.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Development Waste Disposal Area (“DWDA”) #2 was observed. On the eastern face of the stockpile, a large rill is forming. NECC will need to monitor this rill closely and repair and stabilize this area should the rill deepen and continue to form. A sediment sump just above the inlet to culvert C13 was holding water. The berm around culvert C13 was in good repair.



Figure 1. Rill forming on eastern slope of DWDA #2 Stockpile.

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:

Containment Area No. 1 was holding water but was not discharging. The embankment was stable and vegetated.

Containment Area No. 2 was dry and not discharging. An erosion rut is forming into in the inlet of the containment area, NECC should monitor this feature and conduct repairs and maintenance should the gully continue to form.

Pond 007a was holding water but was not discharging. The pond embankment was stable and vegetated. The primary and emergency spillway was clear and functional. NECC was pumping water from the pond to Pond 004a.

Pond 006a was holding water. The embankment was stable and vegetated.

Pond 004a was receiving water from Pond 007a. The primary and emergency spillways were clear and functional. The pond embankment was stable and vegetated. The pond was not discharging at the time of the inspection.

GENERAL MINE PLAN COMPLIANCE:

The mine was idle at the time of the inspection.

Drill pad NE-02-20 was observed. The pad is reclaimed and revegetated. The drill hole was marked with marker.

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

Drainage Control; Surface Stabilization; Placement:

The Refuse Disposal Area (“RDA”) was observed. NECC has re-excavated a ditch on the northwest side of the RDA to help insure drainage is occurring and not pooling on top of the coal waste material. Mr. Mason indicated a surveyor would check the ditch positively drains.



Figure 2. Northwest corner of the RDA, ditch re-established.

As indicated above, the mine was idle at the time of the inspection. Therefore, the wash plant was not processing coal at the time of the inspection. Several piles of coal waste were observed on the top bench of the pile waiting to be graded out. The western corner of the upper bench had several rills forming that NECC should monitor and stabilize should they continue to deepen and form.



Figure 3. Rills forming on the western side of the upper bench of the RDA.

SLIDES and DAMAGE - Rule 4.12:

The embankment slope on the northwest side of the Soil Storage Area is eroding and sluffing into the ditch that discharges to ditch D6. NECC shall repair and stabilize this area. The ditch embankment separating the affected land drainage from the adjacent clear water ditch (D7) is very thin in areas. Failure of this embankment may overwhelm the ditch and cause sediment to discharge into the clean water ditch D7 that discharges to the river.

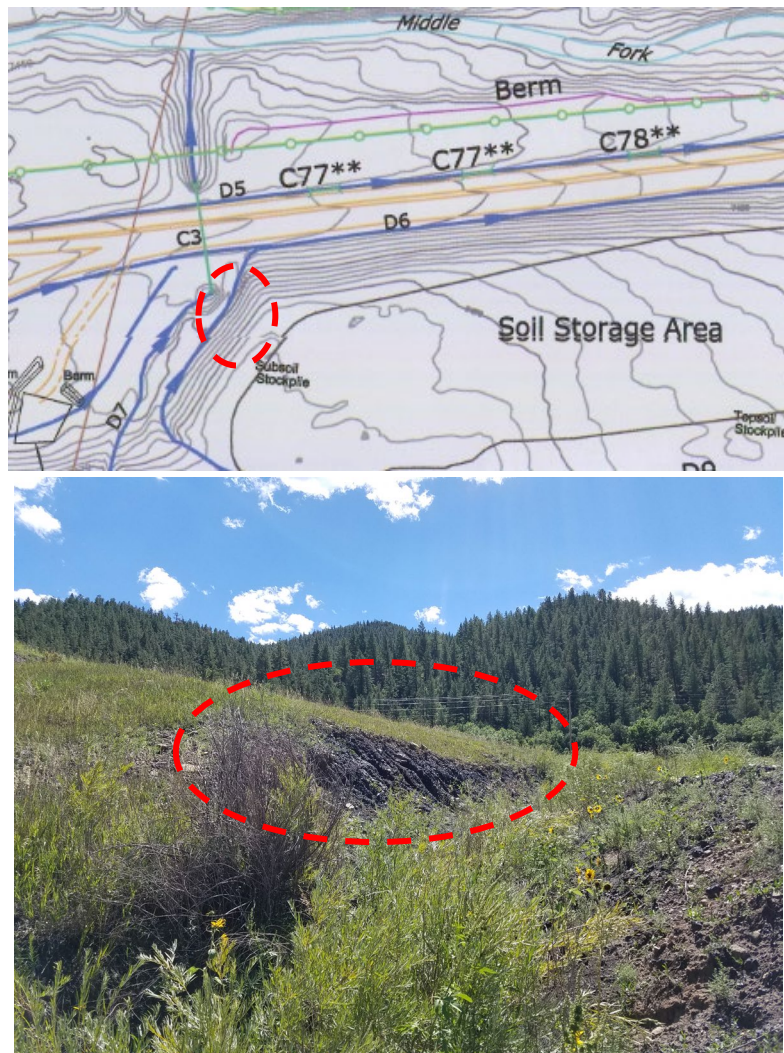


Figure 4. Soil Storage Area embankment on the west side. Slope failure highlighted above.

SUPPORT FACILITIES - Rule 4.04:

NECC has a salvage contractor onsite removing old equipment and metal. In addition, NECC had sold what appears to be a large amount of equipment, parts, etc. that has typically been stored in the yard area east of the C&W Train Shop. Equipment, parts, metal debris, wood pallets, and other debris was observed throughout this area. **A small berm separates this area from the Middle Fork of the Purgatoire River riparian area, this berm has been damaged by equipment running over the berm. NECC shall repair this berm. Trash, debris and equipment have been pushed in places up against this berm. NECC shall maintain this area to prevent environmental damages in accordance with Rule 4.04. NECC shall clean up this area and insure the trash and debris is disposed of in accordance with Rule 4.11.4.**



Figure 5. Trash and debris located adjacent to berm north of the C&W Train Shop



Figure 6. Debris and parts placed on top of the berm that is supposed to separate this area from the river.

The berm around the water tank SAE was in place and stable. **The silt fence at the discharge point is in disrepair and should be replaced.**

The SAE storage area south of Pond 007a was observed, equipment and material to support the mine operation are stored in this area. **It appears some dirt and rock have been pushed up against the berm separating the area from ditch D58. In addition, trash and debris has fallen into the adjacent ditch. NECC shall remove this material and keep it from overtopping the berm and remove the material that has fallen into the ditch.**



Figure 7. Rock and dirt pushed against berm above ditch D58. Trash and debris has fallen into the ditch.

TOPSOIL – Rule 4.06

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

The topsoil stockpile adjacent to Containment Area #1 was stable, vegetated and marked with a topsoil marker.

The topsoil stockpile in the Soil Storage area was stable, vegetated and marked with a topsoil marker.

DOCUMENTS RECEIVED – None

OTHER (SPECIFY) – None

ENFORCEMENT ACTIONS/COMPLIANCE

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