




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 and John Terry	
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: November 16, 2023 Inspection Start Time: 12:30 Inspection End Date: November 17, 2023 Inspection End Time: 11:40		Inspection Type: Coal Complete 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): Amber Gibson Jared Ebert	Inspector's Signature:  Signature Date: November 28, 2023		

Number of Partial Inspection this Fiscal Year: 3

Number of Complete Inspections this Fiscal Year: 2

Inspection Topic Summary

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

N - Air Resource Protection

R - 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

R - Reclamation Success

N - Revegetation

N - Subsidence

R - Slides and Other Damage

R - Support Facilities On-site

R - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

R - Topsoil

COMMENTS

This was a complete 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”). Amber Gibson and Jared Ebert with the Division, conducted the inspection. Nick Mason and John Terry with NECC accompanied us during the inspection on November 16, 2023 and November 17, 2023 respectively.

Maintenance items are listed below in bold text.

The Division sent an adequacy review to the Operator for their Renewal No. 8 (RN8) application on October 30, 2023. The RN8 decision date is set for December 29, 2023.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

- The mine records were checked in the mine 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 berm around the drying area on the west side of DWDA #2 is functioning at this time but has a lower profile than desired (Photo 1). **The berm will require additional material to be placed to raise the profile between the basin and the river to ensure prevention of untreated water leaving the basin and entering the river.** Besides the southwest corner, the rest of the berm along ditch D15 is stable and clear.

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Photo 1: East side of the berm around D15 that needs to be raised.

- The sediment basin at the east end of DWDA #2 was dry. The berm around the basin appeared to be stable and has recently been improved. The check dams in the ditches around the DWDA #2 have recently been cleaned, and ditch D14 leading into the basin has been cleaned as well (Photo 2). Culvert C13 was free of obstructions.



Photo 2: Recently cleaned west side of D15. Berm in good condition along majority of southern border of D15.

- D3, the ditch around DWDA #1, is clear and free of obstructions.
- Material from pond and ditch cleanings has recently been placed in the east side of DWDA #2. This area appears stable at this time.

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Photo 3: East side of DWDA #2 where ditch and pond cleanings are placed to dry.

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:

- Pond 007A contained a small amount of water but was not discharging. The emergency spillway was free of obstructions and the embankment appeared to be stable.
- Ditch D58, south of Pond 007A, is clear and free of obstructions. The berm has recently been built up along the haul road south of Pond 007A (Photo 4), within the S.A.E.



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Photo 4: Operator's reconstructed the berm to be taller, wider, and more stable along the haul road south of Pond 007A within the S.A.E.

- The silt fences lining the north and south sides of the haul road within the S.A.E, near Pond 007A, were clear. The outfall, No. 010, was also free of obstructions.
- The S.A.Es along the southern portion of the permit, along Ditch D18, appeared stable. However, **the silt fence on the western border of the S.A.E. on the top of the hill needs to be repaired** (Photo 5).



Photo 5: Damaged silt fence on western side of S.A.E.

- Water from the processing areas that flow south under the fan near the East Portal, seem to not be separated from where water enters into the base of the clean water flume and into culvert C48 (Photo 6). **A berm, or another separating structure, needs to be constructed to divert processed water from entering C48.**

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Photo 6: Arrow indicates water direction of water flowing south of the Fan, into the base of the Clean Water Flume, and into C48.

- Pond 006A contained water pumped from Pond 08. Pond 006 had plenty of remaining capacity, and the banks appeared to be stable. When water levels rise in Pond 006A, the water is pumped to Pond 004A. The emergency and primary spillways were clear of obstructions.
- Pond 08 contained water but was not discharging. Water from Pond 08 was being pumped to Pond 006A. The emergency and primary spillways were clear of obstructions.
- Containment Area 5 at the base of the RDA contained water. A gas pump is available at all times to pump water from Pond 08 and Containment 5, to Pond 006A if needed. Containment 5 was not discharging.
- Containment Areas 3 and 4 were dry and their embankments appeared to be stable.
- Containment Area 2 was dry and the embankment appeared to be stable.
- Containment Area 1 contained some water. The embankment appeared to be stable.
- Pond 004A contains water, pumped from Pond 006A. Pond 004A is not discharging. The embankment appears stable. The emergency and primary spillways were clear of obstructions. The Division walked along ditch D3 on the west side of DWDA #1. D3 appeared to be stable and clear. However, the berm along the southeast corner of the DWDA #1 is getting low (Photo 7), and **needs to be built up again to prevent water from the processed area entering the basin between Pond 004A and DWDA#1.**

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Photo 7: Berm along east side of DWDA #1.

- The berm running along the back of the wash plant and under the conveyer that separates this area from the Purgatoire River looks good and appears to be stable.
- Pond 001A was holding water that has been there since the mine was operating. Pond 001A was not discharging.

GENERAL MINE PLAN COMPLIANCE:

- 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 mine was idle at the time of the inspection. Therefore, the wash plant was not processing coal at the time of the inspection. The RDA appears to exhibit positive drainage at this time. The underdrains in the northeast and northwest corners appear to be clear of obstructions, and appear to be functioning as intended.
- The Division walked the extent of ditch D55 starting at the northeast corner of the RDA to the western extent of the ditch. There are a few areas up-slope and down-slope of D55 that **exhibit some slumping/sliding that need to be stabilized** (Photo 8A&B) and a few areas within D55 where **sediment has accumulated in the ditch and needs to be removed** (Photo 9). However, most of the ditch is clear of debris and appears to be functional.

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Photos 8A & 8B: Areas along D55 that are exhibiting failure. 8A – Slide up-slope of D55. 8B – Slide down-slope of D55.



Photo 9: Sediment accumulating in D55.

- The state listed noxious weed Mullein was present in small quantities within D55. A higher concentration was located in the northeast corner of D55 (Photo 10). **The Operator shall treat these areas with the approved weed control measures.**

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Photo 10: Mullein within and downslope of D55.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- The former Golden Eagle ventilation shaft area has been grazed. The grazing and cattle occupancy at the vent shaft area have significantly impacted the revegetation reclamation efforts within this area (Photos 11A&B). The Operator may need to re-vegetate this area prior to consideration of its release.



Photo 11A&B: Grazed and destroyed Golden Eagle ventilation area.

SLIDES and DAMAGE - Rule 4.12:

- At the western extent of D55, debris has fallen within the ditch (Photo 12). The slope within this ditch, leading down, has started to slide. **The ditch and slope need to be repaired and stabilized.**

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Photo 12: Debris sliding down D55 towards the RDA area.

SUPPORT FACILITIES - Rule 4.04:

- The old equipment and debris that was located in the yard area around the C&W Train Shop is being salvaged, and the berm separating the yard from the Purgatoire River is stable.
- The Portable Explosives and Chemical Storage area was overall stable. However, the Division observed leaking from one of the tanks (Photo 13). **The Operator stated that they will either repair or replace this tank.**



Photo 13: Single tank with noticeable leak.

SIGNS AND MARKERS – Rule 4.02:

- A mine sign was posted at the main entrance to the mine site.

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- A mine sign was also posted at the entrance to the Golden Eagle ventilation shaft area (Photo 14).



Photo 14: Mine sign posted at entrance to Golden Eagle ventilation shaft area.

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 three topsoil piles were segregated, vegetated, and were marked with signs pursuant to Rule 4.02.7. The topsoil piles appeared to be stable at this time (Photo 15A, B, & C).



Photo 15A, B, & C: Vegetated and stable topsoil piles. Signs displaying “Topsoil” circled in yellow.

DOCUMENTS RECEIVED

OTHER (SPECIFY)

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ENFORCEMENT ACTIONS/COMPLIANCE

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

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	X, expires Feb. 2024
Permit Application w/Revisions Findings Document	X
Insurance Certificate	X, RN7, Nov 2019
Bond Document	X, April 2024
	X, 2020
Phased Bond Release Documents/Findings	X, Sl-2
Air Emission Permits	X, 2021 (4)
County Special Use Permits	Exempt
UG Mining Landowner Notification	Feb 2012
Subsidence Monitoring Reports	n/a
Subsidence Monitoring Data	n/a
Rill & Gully Survey	X, 2023 ARR
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	X, 2023
Midterm Review Documents	X, MT-8
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	X, through October 2023
Transfers/Succession of Operator	X, 2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	X, MT-8, 2021
CERTIFICATIONS	001, 004, 005,
Pond Certifications	006, 007, 008
Annual Certifications for Impoundments	X, March 2023
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	X, Sept. 2023
• Compaction Testing	X, March 2023
• Final Certification	n/a
Coal Processing Waste Banks	X, June 2023
Haul Road Certifications	X, 2014
Access Road Certifications	X

HYDROLOGIC RECORDS

NPDES Permit	X, On extension (2019 letter)
NPDES Records	X, Oct. 2023
Stormwater Management Plan	X
SPCC Plan	X
MSHA Pond Inspections	X, Pond 8, Nov. 6, 2023
State Engineer's Pond Inspection	n/a
Quarterly Pond Inspections	X, Sept. 2023
Annual Hydrology Reports	X, 2022
• Ground Water Monitoring	X, 2022
• Surface Water Monitoring	X, 2022
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	n/a
• 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)

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Figure 1: Map displaying the photo locations for the inspection photos referenced in this report. Google Earth Pro imagery dated June 2020.

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