

STATE OF  
COLORADO

Gibson - DNR, Amber &lt;amber.gibson@state.co.us&gt;

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## Inspection Report, New Elk Min, C1981012, Partial, December 13, 2023

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Gibson - DNR, Amber &lt;amber.gibson@state.co.us&gt;

Tue, Dec 19, 2023 at 1:54 PM

To: Nick Mason &lt;nmason@newelkcoal.com&gt;, jterry@newelkcoal.com

I apologize. The previously attached report did not include an inspection end date and time. Attached is the revised report.

Sorry for the inconvenience,

**Amber M. Gibson**  
Environmental Protection Specialist



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

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## 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. Nick Mason 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> December 13, 2023 <b>Inspection Start Time:</b> 09:10 <b>Inspection End Date:</b> December 13, 2023 <b>Inspection End Time:</b> 10:15		<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Snowing	
<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>  Amber Gibson	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  December 19, 2023

Number of Partial Inspection this Fiscal Year: 4

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	N - Roads
N - Availability of Records	N - Reclamation Success
N - Backfill & Grading	N - Revegetation
N - Excess Spoil and Dev. Waste	N - Subsidence
N - Explosives	R - Slides and Other Damage
N - Fish & Wildlife	R - Support Facilities On-site
R - Hydrologic Balance	R - 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 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”). Amber Gibson with the Division of Reclamation, Mining and Safety (Division/DRMS), conducted the inspection. Nick Mason with NECC accompanied me during the inspection on December 13, 2023.

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 January 31, 2024.

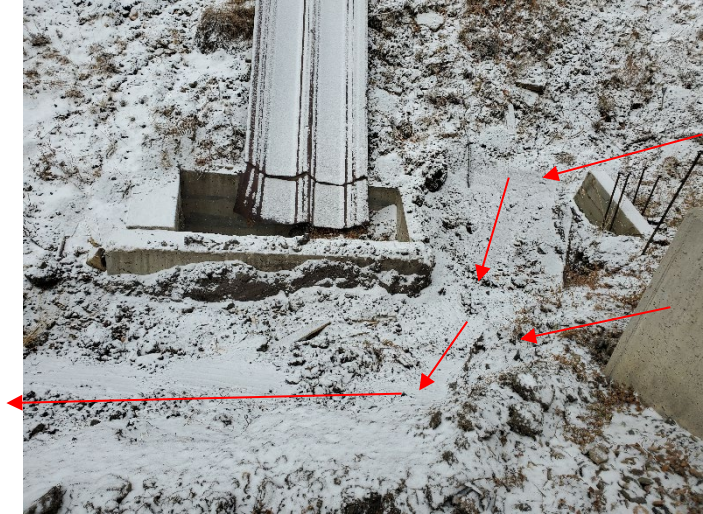
**HYDROLOGIC BALANCE** - Rule 4.05

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 very small amount of frozen water but was not discharging. The emergency spillway was free of obstructions and the embankment appeared to be stable.
- During the last inspection it was noted that water from the processing areas, that flow south under the fan near the East Portal, were not separated from where water enters into the base of the clean water flume and into culvert C48. The Operator has since used an excavator to lower the profile of the slope over which the processed water flows, below the structure around the C48. This has effectively created a diversion to separate processed water from entering C48 (Photo 1).

Number of Partial Inspection this Fiscal Year: 4

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**Photo 1:** Arrows indicate how processed water can now flow below and around the structure at the base of the clean water flume, to avoid cross-contamination of the clean water.

- Pond 006A contained a very small amount of frozen water (Photo 2). The water had been pumped from Pond 08. Pond 006A had plenty of remaining capacity. The Operator stated that Pond 006A had been pumped out the week prior, and that pumping from ponds is likely ceased for the remainder of winter to avoid the need to unfreeze the lines. The emergency and primary spillways were clear of obstructions.



**Photo 2:** Frozen Pond 006A.

- Pond 08 contained some frozen water but was not discharging (Photo 3). The emergency and primary spillways were clear of obstructions.

Number of Partial Inspection this Fiscal Year: 4

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**Photo 3:** Pond 08 has frozen over.

- Containment Area 5 at the base of the RDA contains frozen water (Photo 4). A gas pump is available at all times to pump water from Pond 08 and Containment Area 5, to Pond 006A if needed. Containment Area 5 was not discharging. The Operator stated that they will monitor it, but believes that the water level is not likely to rise enough to require it to be pumped out until spring.



**Photo 4:** Arrow points to Containment Area 5.

- Pond 004A contains a small amount of water. The water in the pond is frozen (Photo 5). Pond 004A is not discharging. The embankment appears stable. The emergency and primary spillways were clear of obstructions.

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**Photo 5:** Pond 004A.

- The Division walked along ditch D3 on the west side of DWDA #1. D3 appeared to be stable and clear. The berm around the drying area on the west side of DWDA #1 has been repaired since the maintenance requirement was cited in the Division's previous November 2023 inspection Report. The berm has been reconstructed and is functioning as desired (Photo 6). The rest of the berm along ditch D15 is stable and clear.



**Photo 6:** Looking south along the repaired berm along west side of DWDA #1.

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.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2



- The Division observed the ditch D55 actively being cleared of sediment and debris with the use of an excavator (Photo 7). The Operator stated that they are working west to east, and that they are also repairing rills and slumps above the ditch.



**Photo 7:** Excavator working in within D55.

SLIDES and DAMAGE - Rule 4.12:

- Boulders cleared from ditch D55 are being salvaged to aid in repairing the slide forming at the western extent of D55 (noted in the previous inspection report). A dozer has been brought up to the RDA for use in stabilizing and repairing the slide (Photo 8).



**Photo 8:** Dozer stationed on the RDA.

- During the September 2023 inspection, it was noted that the embankment slope on the northwest side of the Soil Storage Area was eroding and sluffing into the ditch that discharges to ditch D6. NECC was instructed to repair and stabilize the 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

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

the ditch and cause sediment to discharge into the clean water ditch D7 that discharges to the river. During the October 2023 inspection, the Operator stated that they had hydro-mulched the northwest side of the Soil Storage Area in an attempt to stabilize the slope. They also stated that they are unable to safely get equipment in the area to mechanically stabilize the slope and berm separating the treated water run-off from the clean water ditch. NECC has been monitoring this area. The slope appears to be stable at this time (Photo 9).



**Photo 9:** Yellow arrow – side of berm/slope where processed water flows into D6. Red arrow – side of berm/slope where clean water flows through D7.

**SUPPORT FACILITIES** - Rule 4.04:

- The Portable Explosives and Chemical Storage area was overall stable. However, the Division observed leaking from one of the tanks during the previous November 2023 inspection. The Operator has not yet repaired or replaced this tank, but stated that they are currently working on it.

**SIGNS AND MARKERS** – Rule 4.02:

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

**DOCUMENTS RECEIVED**

**OTHER (SPECIFY)**

Number of Partial Inspection this Fiscal Year: 4

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

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 2

Page 9 of 9