



STATE OF
COLORADO

Gibson - DNR, Amber <amber.gibson@state.co.us>

New Elk Mine, C-1981-012, Partial Inspection Report

1 message

Gibson - DNR, Amber <amber.gibson@state.co.us>
To: jterry@newelkcoal.com

Wed, Jan 24, 2024 at 12:38 PM

Good afternoon,

Attached for your records is a copy of the inspection report for the partial inspection of the New Elk Mine conducted on January 18, 2024.

Thank you,

Amber M. Gibson
Environmental Protection Specialist



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

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Partial Inspection Rpt_NewElk_1.18.2024_AMG.pdf
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COLORADO


Division of Reclamation,
Mining and Safety

Department of Natural Resources

PERMIT INFORMATION

Permit Number: C-1981-012 Mine Name: New Elk Mine Operator: New Elk Coal Company, LLC Operator Address: Mr. John Terry 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: John Terry
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: January 18, 2024 Inspection Start Time: 11:40 Inspection End Date: January 18, 2024 Inspection End Time: 01:20		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): Amber Gibson	Inspector's Signature: 		Signature Date: January 24, 2024

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
Y - Excess Spoil and Dev. Waste	N - Subsidence
N - Explosives	N - Slides and Other Damage
N - Fish & Wildlife	Y - Support Facilities On-site
Y - Hydrologic Balance	Y - Signs and Markers
N - Gen. Compliance With Mine Plan	N - Support Facilities Not On-site
N - Other	N - Special Categories Of Mining
N - 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. John Terry with NECC accompanied me during the inspection on January 18, 2024. The weather was clear and recent snow cover was melting around the site. **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 January 31, 2024.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

- The maintenance item regarding building up the berm around the drying area on the west side of DWDA #2, mentioned in the November 16, 2023 report, has been addressed. The berm extending from the west side of the pile and along the south side (which separates the ditch around the pile from the slope down to the Purgatoire River) has been built up (Photos 1A & 1B). Additionally, the sediment within the ditch has been cleaned out and was used along the bottom half of the pile to grade out the erosion rills. There are rills remaining from the middle of the pile to the top, but the pile appears to be stable at this time. No recent pond cleanings have been placed in the sediment drying area along the west side of the DWDA#2.

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Number of Complete Inspections this Fiscal Year: 2



Photos 1A and 1B: 1A) Berm along the west side of DWDA#2. 1B) Berm along the south side of DWDA#2. Rills smoothed out along the bottom portion of the slope on the DWDA#2.

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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 on the north, east, and south sides appeared to be stable. However, the embankment on the west side has experienced some erosion from the road, under-cutting the concrete berms, and into the pond (Photo 2). **The Operator shall repair the erosion and stabilize the bank along the west side of Pond 007.**



Photo 2: Erosion undercutting concrete berms along the west embankment of Pond 007.

- A couple silt fences along the road in the SAE south of Pond 007 were damaged during the recent snow fall and need to be repaired. The majority are functioning as intended, but the western-most fence (Photo 3) and the north-eastern most fence need to be repaired.

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Photo 3: Western-most silt fences along the north side of the road in the SAE near Pond 007.

- During the last inspection, the Division noted that the Operator used an excavator to lower the profile of the slope, where the processed water flows, to below the concrete structure around the clean water flume near the East Portal. The lowered profile separates the water from the processing areas, that flow south under the fan, from where the clean water enters into the base of the clean water flume and into culvert C48. During this inspection, the Division observed this area to ensure that the recent snowfall has not interfered with the recent maintenance. The maintenance work appears to have effectively created a diversion to separate processed water from entering C48 that withstood impacts from heavy snowfall and snowmelt.
- Pond 004A contained a very small amount of frozen water but was not discharging. The water has been slowly infiltrating since the cessation of pond-pumping for the season. The emergency spillway was free of obstructions and the embankment appeared to be stable.
- On the northwest side of the Soil Storage Area, the ditch embankment separating the affected land drainage from the adjacent clean water ditch (D7) remains stable at this time.

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

Drainage Control; Surface Stabilization; Placement:

- The clean water diversion ditch (D55) is still being cleared of sediment and undergoing erosion repairs. The excavator operator was working on clearing a path for the excavator when the site experienced a large snowfall. Mr. Terry expects the maintenance in D55 to be finished by the end of the week following the

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inspection. The equipment will be moved off of the RDA, used to address maintenance problems around the site, and then brought to NECC's Lorencito Canyon (C-1996-084) site to address maintenance items there.

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 placed an empty replacement tank next to the tank with the leak (Photo 4). The Operator had tried to lift the leaking tank to empty the contents into the new tank, but was unable to do so because the contents had frozen solid, and lifting put the tank's structural integrity at risk. The valve on the leaking tank was determined to be broken and is sealed shut. Therefore, the only material that is able to leak from the tank is the small amount that has already leaked, and that is trapped in a spill tray under the valve. The Operator stated that they also inquired about having the tank and the contents recycled, but could only find one company that disposes of these materials. The recycling company is located in the eastern United States, and had informed the Operator that they will not travel for only one tank. The Operator will need to re-address this item once the tank's contents have had a chance to thaw.



Photo 4: Portable Explosives and Chemical Storage area. The tank on the left is the leaking tank, the tank on the right is the new empty tank.

SIGNS AND MARKERS – Rule 4.02:

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

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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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