



STATE OF  
COLORADO

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

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## OSMRE oversight Inspection Report, Partial Inspection, New Elk Mine C-1981-012

1 message

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

Fri, Mar 1, 2024 at 8:54 AM

To: jterry@newelkcoal.com

Cc: "Stark, James R" <jstark@osmre.gov>

Good morning,

Attached for your records is a copy of the Division's Inspection Report for the OSMRE oversight-Partial Inspection of the New Elk Mine (C-1981-012) conducted on February 15, 2024.

If you have any questions, please send me an email, or call at 720-836-0967.

Thank you,

**Amber M. Gibson**  
Environmental Protection Specialist



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

**P 720.836.0967** | F 303.832.8106 |  
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<https://drms.colorado.gov/>



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**NewElk\_partial\_OSMoversite\_Culverts\_2.15.24\_InspRprt.pdf**  
14181K



**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. John Terry 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>
<b>Operator Representative Signature: (Field Issuance Only)</b>	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> February 15, 2024 <b>Inspection Start Time:</b> 10:20 <b>Inspection End Date:</b> February 15, 2024 <b>Inspection End Time:</b> 14:40	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> OSM Oversight Inspection <b>Weather:</b> Clear
<b>Joint Inspection Agency:</b>  OSMRE	<b>Joint Inspection Contacts:</b>  Jim Stark, OSMRE
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>  NA
<b>Inspector(s):</b>  Amber Gibson, DRMS Jared Ebert, DRMS Jim Stark, OSMRE	<b>Inspector's Signature:</b>    <b>Signature Date:</b>  March 1, 2024

Number of Partial Inspection this Fiscal Year: 6  
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	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	Y - 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 and Jared Ebert (with the Division) conducted the inspection and were overseen by Jim Stark (with the Office of Surface Mining Reclamation and Enforcement (“OSMRE”). John Terry, with NECC, accompanied us during the inspection on February 15, 2024. The weather was clear and warm. **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 March 29, 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:

- The focus during this inspection was to collect field measurements of the culverts at the New Elk Mine. These measurements will be used to compare with the measurements provided in Table 21 of the PAP, and with both the Cost Estimate in Exhibit 28 of the PAP and the Cost Estimate in the Division’s adequacy review for RN8 to ensure consistency. Follow-up revisions or bond adjustments may be necessary after DRMS completes this review.
- The culverts measured in the field consisted of those included on *Map 13: East Portal Sediment and Surface Water Control Plan* and *Map 14: West Portal Sediment and Surface Water Control Plan* of the PAP. The measurements were collected using a tape measure and a forms layer in Esri Field Maps. The culvert’s measurements were recorded and often comments and/or photos were also obtained. The results of the field inspection are provided below in Table 1.

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Table 1: Field Measurements of culverts listed on Maps 13 and 14		
Culvert Number	Field Measurement (inches)	Comment
2	60	Concrete culvert.
3	48	
5	59	
6	60	
7	18.5	
8	21	There's an old 12" culvert next to it that they've bypassed using the new C8.
9	24	
9A	10	
11	MISSED	Measurement accidentally not taken during inspection.
12	8.5	Nearly buried, needs to be cleaned around it ( <i>Photo 1</i> ).
12A	36	
13	24	
14	36	Erosion leading down from green gate on south side of the highway, next to the culvert. Culvert also needs to be cleaned out ( <i>Photo 2</i> ).
[?] Near C16 outlet	12.5	Not shown or labeled on Map 13.
16	35	Next to 12.5" culvert not labeled on the map.
16A	20	
16B	10	
16C	12	
16D	20	Erosion from the road cutting around the culvert ( <i>Photo 3</i> ).
17	36	Concrete culvert.
17A	24	
17B	11.5	
19	36	Outlet for C17, metal culvert at this location. C19 is a duplicate number on Map 13.
19	24	Duplicate number on Map 13.
20	36	
21	36	
22	60	Concrete culvert.
23	25	
27	60	

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28	<i>Missing</i>	Never constructed?
28A	<i>Missing</i>	Never constructed?
29	<i>Missing</i>	Never constructed?
30	48	
[?] Below other three in the cage (C31, C33, C61)	24	Map looks like there should only be 3 culverts here, but there are 4 in a cage (Photo 4).
31	8	
31A	6	Broken, no longer seems functional, PVC pipe (Photo 5).
32	36	
33	12	
34	24	
36	18 or 19	Bent, difficult to get accurate measurement.
37	<i>Removed</i>	Removed since at least 2010.
39		RDA culvert
40		RDA culvert
41		RDA culvert
45		RDA culvert
46	24	
48	24	
49	44	
52	<i>Missing</i>	Duplicate number on Map 14, both missing.
52	<i>Missing</i>	Duplicate number on Map 14, both missing.
53	24	
54	<i>Missing</i>	Removed?
60	<i>Missing</i>	Removed?
61	12	Outlet side, into the 'drop inlet' labled on Map 13 needs to be cleaned out.
64	25	Inlet side measured.
65	24	Starting to scour underneath west bank of pond 006A, rock was put in because it was starting to wash out (Photos 6-7).
72	24	
73	24	
74	10	
77	<i>Missing</i>	Missing: T.21 has a 77A** and a 77. Neither ever constructed?
77	<i>Missing</i>	Never constructed?

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78	<i>Missing</i>	Never constructed?
81		RDA culvert
86	12 to 10	Starts big next to road, gets smaller on south side.
88		RDA culvert
C-A/RDA-A		RDA culvert
C-B/RDA-B		RDA culvert
No name on map		RDA culvert North of C88
<p><i>*Colored cells correspond to like-colored shapes on Figure 1. <b>Items in red are maintenance items</b>, items in purple indicate locations where culverts were identified that are not labeled on Map 13, and items in yellow indicate measurements that still need to be taken (besides the RDA culverts).</i></p>		

- The measurements for the culverts leading up to, within, and around the RDA were not collected during this inspection.
- After the inspection concluded, it was discovered that culvert C11 was missed on accident, therefore no field measurement has been obtained at this time (see Figure 1).
- **The items in red on Table 1 identify maintenance items for culverts C12, C14, C16D, C61, and C65.** See Photos 1-3 and 6. Also, see Figure 1 for approximate locations of these issues.



**Photo 1:** C12 almost buried by road.

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**Photo 2:** Erosion leading down from north side, near the highway at culvert C14. The sediment also needs to be cleaned out of C14.



**Photo 3:** Erosion cutting down the side of culvert C16D.

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**Photo 4:** Culverts with red arrows from left to right in the photo: C61, C31, and C33. The culvert with the yellow arrow is unlisted and unnamed on Map 13.



**Photo 5:** The broken green PVC pipe is in the location of culvert C31A on Map 13. It appears that this culvert is no longer functional or functioning as intended.

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**Photo 6:** Scouring around inlet of C65



**Photo 7:** Scouring around outlet of C65.

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- **The silt fences along the SAE near Pond 007A that were damaged as a result of recent snowfalls, mentioned in the January 2024 report, still need to be repaired.**
- The erosion along the western bank of Pond 007A, leading down from the road, has been partially repaired (Photo 8). The erosion along the north-west portion of Pond 007A's bank **still requires stabilization.**



**Photo 8:** Arrow indicates where erosion leading under the concrete berms next to the road has been repaired and Pond 007A's western bank. The portion of the bank (within the rectangle) still requires some repairs.

- In the north-east corner of Pond 006A's bank, the inlet hose used to pump water from other ponds into this location has caused some erosion. **The Operator shall stabilize the eastern bank of Pond 006A.**

#### SUPPORT FACILITIES - Rule 4.04:

- The Operator stated that the tank that had a small leak observed in the Portable Explosives and Chemical Storage area during the November 2023 inspection has since been disposed of and is no longer on-site.

#### SIGNS AND MARKERS – Rule 4.02:

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

#### TOPSOIL – Rule 4.06

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

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- The Division observed erosion gullies leading off to the north and north-west of the Stockpile Storage Area, located to the south of culvert C9A and east of the Train Yard (Photos 9-10). The Operator has tried to minimize and address the erosion with the use of branches placed in the gully and the installation of check dams; however, the check dams are in disrepair and erosion is continuing. **The Operators shall repair the erosion gullies and install any necessary BMPS to stabilize the area and reduce its susceptibility to erosion.**



**Photo 9:** Erosion from surface water run-off flowing to the north-east from the flat-road-area of the Stockpile Storage Area (to the east of the Train Yard).



**Photo 10 (A and B):** Erosion from surface water run-off flowing to the north from the flat-road-area of the Stockpile Storage Area (to the east of the Train Yard). The Operator stated that they had tried to armor the gully with check dams (A) and branches (B) but they have since failed.

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- In the Stockpile Storage Area, there is a new pile of soil (Photo 11). The Operator stated that the soil was salvaged during the debris clean-up work conducted during the past year in the Train Yard Area. The Operator believes that the pile contains topsoil quality soil. **If the Operator intends to salvage this material as topsoil, the topsoil pile must be stabilized with a vegetative cover (Rule 4.06.3(2)(a)(i) and identified by signage (Rule 4.02.7).**



**Photo 11:** New stockpile created from soil sifted from the cleaning up the debris in the Train Yard area.

- **The Operator shall submit a Minor Revision (MR) to update *Map 11-Sheet 3: East Portal Facilities* and pages 37-41 of section 2.05 of the PAP to account for the location, source, and volume of the new topsoil pile pictured in Photo 10.**
- The 'Topsoil' sign for Topsoil Pile #2 (located within the SAE south of Highway 12 and southwest of Pond 08) has fallen over and the post is broken. **The Operator shall replace the sign post and erect the sign on Topsoil Pile #2.**

## 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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