



U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program



1. Permittee/Person <div>NEW ELK COAL COMPANY LLC</div>		9. Permit Number <div>C1981012</div>		10. Permit Type <div>PP</div>	
2. Address <div>12250 HIGHWAY 12</div>		11. Field Visit Date <div>2/15/2024</div> <small>mm - dd - yyyy</small>		12. Purpose <div>OP</div>	
3. City <div>WESTON</div>		14. Permit Status <div>A</div>		15. Site Status <div>AN</div>	
4. State <div>CO</div>		16. Facility Type <div>BCE</div>		13. SRA Present <div>Y</div>	
5. Zip Code <div>81091</div>		17. OSM Office # <div>140</div>		18. CCID # <div></div>	
6. Phone Number <div>(303) 300-8718</div>		19. Land Code <div>S</div>		20. M.S.H.A. ID # <div>05-00296</div>	
7. Operator Name, if Different than Permittee <div>NEW ELK COAL COMPANY LLC</div>		21. State Abbrev. <div>CO</div>		22. County/Burrough <div>LAS ANIMAS</div>	
8. Mine Name <div>NEW ELK</div>		23. AVS Permittee Entity ID Number <div>158034</div>		24. State Office <div></div>	

25. Hours <table border="1" style="width:100%; border-collapse: collapse;"><tr><td>12.0</td><td>a. Permit Review</td></tr><tr><td>5.0</td><td>b. Site Visit Time</td></tr><tr><td>8.0</td><td>c. Travel Time</td></tr><tr><td>6.0</td><td>d. Report Writing</td></tr></table>	12.0	a. Permit Review	5.0	b. Site Visit Time	8.0	c. Travel Time	6.0	d. Report Writing	26. Signature Block <div style="border: 1px solid black; padding: 5px; text-align: center;">Signature: <div>James Stark, ID#591</div>Inspector's Name: Date: <div>3/15/2024</div></div>	27. Reviewing Official: <div style="border: 1px solid black; padding: 5px; text-align: center;">Signature: <div>Howard Strand</div>Reviewer's Name: Date: <div>3/15/2024</div></div>
12.0	a. Permit Review									
5.0	b. Site Visit Time									
8.0	c. Travel Time									
6.0	d. Report Writing									

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12
Oxx...Oversight Rfx...Reclamation Fees CCR...Citizen Complaint Referral (non-site visit)
Axx...Assistance Fxx...Federal Actions CC...Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14
A Active: Coal mining activities occurring or permitted but not yet disturbed.
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).
AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA Not Applicable: When site is unpermitted.

Site Status - Item 15
ND No Disturbance: No coal mining and reclamation operations have been started.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP Active Coal Producing: Coal surface mining activities are occurring.
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.
MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area.
P3 Phase III Release: Reclamation completed and the RA has released all bond.
NS Non-Site Visit: Status of site not determined.
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR Forfeited and Reclaimed: Forfeiture reclamation completed.
FO Abandoned Site: Abandoned site that is permitted but there is no bond.
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16
A...Surface **D**...Ancillary (Haulroad, Conveyor, and/or Rails) **H**...Exploration Permits **K**...Government Financed Construction Exemption
B...Underground **E**...Refuse and/or Impoundment **I**...Notice of Intent to Explore **L**...Remining site permitted under 30 CFR 785.25
C...Preparation Plant **F**...Loading Facility and/or Tipple **J**...Exempt 16 and 2/3
G...Stockpiles

Small Business Regulatory Enforcement Fairness Act (SBREFA)
Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

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U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/
Person

NEW ELK COAL COMPANY LLC

Permit
Number

C1981012

Field Visit
Date

2/15/2024

State Program
Continuation Page

28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

A. Administrative

1. Mining within Valid Permit
2. Mining within Bonded Area
3. Terms & Conditions of Permit
4. Liability Insurance
5. Ownership and Control
6. Temporary Cessation
7. AML Rec. Fees - Non-Respondent
8. AML Rec. Fees - Failure to Pay

B. Hydrologic Balance

1. 1 Drainage Control
2. Inspections & Certifications
3. 1 Siltation Structures
4. 1 Discharge Structures
5. 1 Diversions
6. Effluent Limits
7. Ground Water Monitoring
8. Surface Water Monitoring
9. Drainage - Acid-Toxic Materials
10. 1 Impoundments
11. 1 Stream Buffer Zones

C. Topsoil & Subsoil

1. Removal
2. Substitute Materials
3. 1 Storage and Protection
4. Redistribution

D. Backfilling & Grading

1. Exposed Openings
2. Contemporaneous Reclamation
3. Approximate Original Contour
4. Highwall Elimination
5. Steep Slopes (includes downslope)
6. Handling of Acid and Toxic Materials
7. Stabilization (rills and gullies)

E. Excess Spoil Disposal

1. Placement
2. Drainage Control
3. Surface Stabilization
4. Inspections & Certifications

F. Coal Mine Waste

(Refuse Piles/Impoundments)

1. Drainage Control
2. Surface Stabilization
3. Placement
4. Inspections & Certifications
5. Impounding Structures

G. Use of Explosives

1. Blaster Certification
2. Distance Prohibitions
3. Blast Survey/Schedule
4. Warnings & Records
5. Control of Adverse Effects

H. Subsidence Control Plan

I. Roads

1. Road Construction
2. Certification
3. Drainage
4. Surfacing and Maintenance
5. Reclamation

J. Signs & Markers

1. Signs
2. Markers

K. Distance Prohibitions

L. Revegetation

1. Vegetative Cover
2. Timing

M. Postmining Land Use

N. Other

General
Performance
Category

_____	_____	_____
_____	_____	_____
_____	_____	_____

Performance Standard Categories 30 CFR Counterparts

A. Administrative

- | | |
|-----------------------------------|-------------------------|
| 1. Valid Permit | 773.11 |
| 2. Mining within Bonded Area | 773.11 |
| 3. Terms & Conditions of Permit | 773.17 |
| 4. Liability Insurance | 800.60 |
| 5. Ownership and Control | 778.13 |
| 6. Temporary Cessation | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b) |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a) |

B. Hydrologic Balance

(816/817.41-57)

- | | |
|-------------------------------------|-----------|
| 1. Drainage Control | 45 |
| 2. Inspections & Certifications | 49(a)(10) |
| 3. Siltation Structures | 46 |
| 4. Discharge Structures | 47 |
| 5. Diversions | 43 |
| 6. Effluent Limits | 42 |
| 7. Ground Water Monitoring | 41(c) |
| 8. Surface Water Monitoring | 41(e) |
| 9. Drainage--Acid - Toxic Materials | 41(f) |
| 10. Impoundments | 49 |
| 11. Stream Buffer Zones | 57 |

C. Topsoil & Subsoil

(816/817.22)

- | | |
|---------------------------|-------|
| 1. Removal | 22(a) |
| 2. Substitute Materials | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution | 22(d) |

D. Backfilling & Grading

816/817.95-107

- | | |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation | 100 |
| 3. Approximate Original Contour | 102(a)(1) |
| 4. Highwall Elimination | 102(a)(2) |
| 5. Steep Slopes (includes downslope) | 107 |
| 6. Handling of Acid & Toxic Materials | 102(c) |
| 7. Stabilization (rills and gullies) | 95(b) |

E. Excess Spoil Disposal (816/817.71-74)

- | | |
|---------------------------------|-------|
| 1. Placement | 71(e) |
| 2. Drainage Control | 71(f) |
| 3. Surface Stabilization | 71(g) |
| 4. Inspections & Certifications | 71(h) |

F. Coal Mine Waste (Refuse Piles/Impoundments) 816/817.81-84

- | | |
|-----------------------------------|-------|
| 1. Drainage Control | 83(a) |
| 2. Surface Stabilization | 83(b) |
| 3. Placement | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures | 84 |

G. Use of Explosives (816/817.61-68)

- | | |
|-------------------------------|---------|
| 1. Blaster Certification | 61(c) |
| 2. Distance Prohibitions | 61(d) |
| 3. Blast Survey/Schedule | 62-64 |
| 4. Warnings & Records | 66 & 68 |
| 5. Control of Adverse Effects | 67 |

H. Subsidence Control Plan (817.121-122)

I. Roads (816/817.150-151)

- | | |
|------------------------------|---------------|
| 1. Road Construction | 150(c) |
| 2. Certification | 151(a) |
| 3. Drainage | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation | 150(f) |

J. Signs & Markers 816/817.111

- | | |
|------------|-----------------------|
| 1. Signs | 11(a),(b),(c) |
| 2. Markers | 11(a),(b),(d),(e),(f) |

K. Distance Prohibitions (761.11)

L. Revegetation (816/817.111-116)

- | | |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing | 113 |

M. Postmining Land Use (816/817.133)

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
N - Minor Occurrence
D - Moderate Occurrence
J - Major Occurrence

**Denver Field Branch
Mine Site Evaluation Narrative**

Permittee:	New Elk Coal Company, LLC
Operator:	New Elk Coal Company, LLC
Site:	New Elk Mine
Permit No:	C-1981-012
Date of Inspection:	February 15, 2024
Inspection Type:	Partial Oversight
Weather:	Warm and Sunny
Operator Representatives:	John Terry
State Official:	Amber Gibson and Jared Ebert
OSMRE Officials:	Jim Stark #591

Background

This was an partial oversight inspection of the New Elk Mine in Las Animas County, CO conducted by Jim Stark (badge #591) of the Office of Surface Mining, Reclamation and Enforcement. The state inspector was Amber Gibson of the Colorado Division of Reclamation (DRMS), Mining, and Safety. Jared Ebert, also with DRMS, and John Terry, with New Elk Coal Company (NECC), were also present on the inspection. The weather was warm and sunny and the ground was basically dry. The inspection started at approximately 10:00 and ended at approximately 15:00.

DRMS is currently conducting a permit renewal at the site (RN-08) and, as a part of that renewal, they are updating the reclamation cost estimate contained in Exhibit 28 of the permit. The main focus of this inspection was reviewing the locations and dimensions of the culverts as shown in Table 21 of the permit and reconciling that information with the reclamation cost estimate. Amber indicated that DRMS would be conducting further bond compliance inspections in the future to ensure what is on the ground and in the permit matches what is contained in the estimate. There were also several maintenance items noted in prior DRMS inspection reports that were inspected to ensure the items were completed.

Mine and Permit Identification Signs – Rule 4.02

The mine ID sign was in place at the entrance to the site off of CO Hwy 12. The sign contained all of the information required by Rule. (Picture 01).

Hydrologic Balance – Rule 4.05

The culverts are listed in the order we inspected them.

Culvert Number	Dimensions (Inches)	Comments	Picture
86	12	Clean, discharges into SAE (sump with silt fence)	02
20	36	Clean, flows into Pond 7	
32	36	Minor sediment at inlet, inlet damaged but not impeding flow	03
		Ditch flowing to culvert are clean, stable and dry	
46	24	Flows to C-32, culvert clean	
48	24	Flows to C-32, culvert clean	
17	35	Concrete culvert at coal stockpile area, sediment at inlet	04
		Needs to be cleaned	
12A	36	Flows to ditch to Pond 7, water flowing into culvert	05
		Starting to side-cut	
61	12	Culvert is backing up and this area needs to be mucked out	06
16D	20	Clean, water flowing, slight undercutting	07
16	36	Clean, water flowing	
73	24	Clean, some water in sump at inlet	08
72	24	Clean	
8	21	Clean	
19	36	Clean, this culvert is a duplicate on Map 13 - DRMS will investigate	
5	60	Clean, clear water diversion to Purgatoire River	09
9A	10	Clean, erosion into ditch	10
7	18.5	Clean	

Pond 7 contained water but was not discharging at the time of the inspection. There was some sediment at the inlet but it does not appear to be a problem at this time. The pond embankment appeared to be stable and no erosional problems were noted. (Pictures 11 and 12)

Pond 6 contained water but was not discharging at the time of the inspection. The pond embankment was generally stable at the time of the inspection. There was some erosion on the inslope of the embankment from pumping water into the pond. This area should be repaired before it becomes a problem. (Pictures 13 and 14)

There is an area by the wash plant that is a variance to the stream buffer zone Rule 4.05.18. There are some straw bales in this area that need some maintenance. (Picture 15)

Roads – Rule 4.03

All of the roads around the site were well maintained and stable. There was some erosion on the sides of the road leading to the topsoil and subsoil piles that needs to be repaired. (Picture 16)

Topsoil – Rule 4.06

The topsoil pile was well vegetated and stable and no erosional problems were noted at the time of the inspection. (Picture 17)

The subsoil pile was well vegetated and stable and no erosional problems were noted at the time of the inspection (Picture 18)

There is a new topsoil pile by the subsoil pile. This pile will either need to be combined with the current topsoil pile and seeded or, if it is left in place, will need to be seeded and have a berm placed around it to protect the resource (Picture 18)

Revegetation – Rule 4.15

There was an area just below the subsoil pile that was noted in previous inspection reports as having some erosional problems. This area was repaired and hydroseeded and is currently being monitored. (Picture 19)

Miscellaneous

In the November 2023 inspection report it was noted that there was a chemical tank in the explosives and chemical storage area that was leaking. DRMS directed NECC to have the tank repaired or removed. This tank has been removed from the site. The Division should follow-up with the operator to ensure the tank was removed to an appropriate location.

Overall the site was very tidy and in good condition. There were a few maintenance items noted but nothing that would be considered a major problem or unusual for a mine site.

Enforcement Actions

There are no outstanding enforcement actions at the New Elk Mine and none were initiated as a result of the 2/15/2024 partial oversight inspection.

This concludes the 2/15/2024 partial oversight inspection report (pictures to follow).

Pictures



Picture 01 – Mine ID sign



Picture 02 – C-86 and silt fence/SAE



Picture 03 – C-32 with damaged inlet



Picture 04 – C-17



Picture 05 – C-12A



Picture 06 – C-61 and area that needs to be mucked out



Picture 07 – C-16D



Picture 08 – C-73 and sump



Picture 09 – C-5



Picture 10 – C-9A



Picture 11 – Pond 7



Picture 12 – Sediment at inlet of Pond 7



Picture 13 – Pond 6



Picture 14 – Erosion on inslope of Pond 6 embankment



Picture 15 – Stream buffer zone variance area by wash plant



Picture 16 – Erosion by road to topsoil pile



Picture 17 – Topsoil pile



Picture 18 – Subsoil pile (background) and new topsoil pile (foreground)



Picture 19 – Repair and hydroseed area