



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: March 26, 2024 Inspection Start Time: 14:31 Inspection End Date: March 28, 2024 Inspection End Time: 12:55	Inspection Type: Coal Complete Inspection Inspection Reason: Surety Related Weather: Clear
Joint Inspection Agency: None	Joint Inspection Contacts:
Post Inspection Agency: None	Post Inspection Contacts:
Inspector(s): Amber M. Gibson	Inspector's Signature:  Signature Date: April 12, 2024

Inspection Topic Summary

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

N - Air Resource Protection

Y - Availability of Records

N - Backfill & Grading

Y - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

Y - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

N - Other

Y - Processing Waste

N - Roads

Y - Reclamation Success

N - Revegetation

N - Subsidence

Y - Slides and Other Damage

Y - Support Facilities On-site

Y - Signs and Markers

Y - Support Facilities Not On-site

N - Special Categories Of Mining

Y - 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, with the Division, conducted the inspection. John Terry, with NECC, accompanied me during the inspection on March 27-28, 2024. I was unaccompanied on March 26, 2024, but accessed the former Golden Eagle portion of the site, and the Jansen Loadout, with the Operator’s consent. This inspection was conducted over the course of three days. On the first day, the weather was cool and there was some snow cover on the ground. On the second day, the weather was cool with a chilly wind. The snow cover had melted by the second day. On the third and final day, the weather was warm and the ground was mostly dry.

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 April 30, 2024.

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.
- **When the Insurance Certificate is renewed for both New Elk and Lorencito, the Operator shall include (on each insurance document) the name of the insured operation for which the policy is held.**

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

- The berms around the south and west sides of DWDA #1 and #2 appear to be stable and are functioning at this time.

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- 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 are clear (Photo 1), and ditch D14 leading into the basin is also clear. Culvert C13 was free of obstructions.



Photo 1: Check dams along north-east side of the DWDA #2.

- D3, the ditch around DWDA #1, is clear and free of obstructions.
- Material from pond and ditch cleanings has not been placed in the east side of DWDA #2 since the cessation of pond pumping for the season (Photo 2). The Operator stated that they will begin pumping again soon.



Photo 2: Sediment drying area on the west side of 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:

- The measurements for culvert C11 and culvert C90 were missed during the last inspection. The Division collected the following measurements during the March 2024 inspection:
 - C11: C11 was covered by a concrete barrier, and was unreachable (Photo 3). However, the Division and the Operator estimated the metal culvert to have an approximately 24” diameter.



Photo 3: (Left) concrete cover over C11. (Right) Arrow points to C11.

- C90: It was determined during the inspection, that the culvert measured as C86 in the Division’s February 2024 report, was actually C90 (Photo 4). C86 was measured during this inspection as a 60” diameter, concrete culvert (Photo 5).

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Photo 4: Culvert C90.



Photo 5: Culvert C86.

- During the Division's February 2024 inspection, culvert C12 was nearly covered by gravel from the road. Since that inspection, the Operator has cleared the area around C12 of debris (Photo 6).

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Photo 6: The arrow points to C12. The area around the culvert has been cleaned.

- During the Division's February 2024 inspection, erosion was observed leading down from south of Highway 12, to the north side of Culvert C14. Since the previous inspection, the Operator has repaired the erosion, armored, and stabilized the ground above and around C14 (Photo 7).



Photo 7: (Left) ground above C14. (Right) Bank repaired around C14.

- The S.A.E., located to the south-east of C14, appeared stable, and no signs of erosion were observed.
- Erosion was observed around Culvert C65 during the Division's February 2024 inspection. Since the previous inspection, the Operator has repaired and stabilized the area (Photo 8).

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Photo 8: Repaired area around C65 that water had undercut.

- During the Division's February 2024 inspection, the Operator was instructed to clear the vegetation out in front of culvert C61. During the March 2024 inspection, the Division observed that the area around C61 has been cleared (Photo 9).



Photo 9: The area in front of C61 has been cleared of vegetation.

- Erosion was observed on the road area above and to the side of Culvert C16D during the February 2024 inspection. This area had not been addressed by the time of the March inspection. **The Operator shall repair the erosion around C16D and stabilize the road area.**
- Containment area #1 had some water in it (Photo 10). No signs of erosion were observed.

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Photo 10: Containment area #1.

- Containment area #2 was dry. No signs of erosion were observed.
- Containment area #3 was dry. No signs of erosion were observed.
- Containment area #4 was dry. No signs of erosion were observed.
- Containment area #5 contains water and is still below capacity, but needs to be cleaned soon (Photo 11).
The Operator shall clean the sediment from the containment area prior to resuming operations, or if the sediment load increases.



Photo 11: Containment Area #5.

- Stream buffer zones were observed throughout the site.
- Pond 001A contained a small amount of water and was not discharging (Photo 12).

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Photo 12: Pond 001A

- Pond 004 contained a small amount of water, primarily within its east side (Photo 13). Pond 004 was not discharging. The bank appeared to be stable.



Photo 13: (Left) Dry west side of Pond 004. (Right) Some water within east side of the pond.

- Pond 006A contained some water. During the last inspection, the Division noted that the north-east corner of the bank had been eroded where water had been pumped into the pond. The Operator has since repaired and stabilized the bank on the east side of Pond 006A (Photo 14).

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Photo 14: The north-east bank of Pond 006A, where water had begun to incise the bank, has been repaired.

- 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. The Operator stated that they have recently packed down the gopher holes they had observed along the bank. Also, the area along the north-west side of the bank has been repaired since the last inspection (Photo 15).



Photo 15: Northwest bank of Pond 007A has been repaired.

- **The silt fences along the SAE near Pond 007A that were damaged as a result of recent snowfalls, mentioned in the January and February 2024 reports, still need to be repaired.**

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- Pond 08 contained some water, and was well below its capacity (Photo 16). The spillways appeared clear, and the banks were stable. Pond 08 was not discharging.



Photo 16: Pond 08

- 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 17).**



Photo 17: Silt fence in south portion of permit, east of the large water tanks.

- Water from the processing area that flows south under the East Portal fan appears to still be effectively separated from the clean water from the flume.

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GENERAL MINE PLAN COMPLIANCE:

- Drill pad NE-02-20 was observed. The pad is reclaimed and revegetated (see item #102 in Table 1). The drill hole was marked with a marker.

PROCESSING WASTE/COAL MINE WASTE PILES – Rule 4.10 and 4.11Drainage 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 and the Operator walked a portion of ditch D55 starting at the north-central portion of the RDA to the eastern extent of the ditch. The Division noted in the November 2023 inspection, that there were a few areas up-slope and down-slope of D55 that had exhibited some slumping/sliding that needed to be stabilized and a few areas within D55 where sediment had accumulated in the ditch and needed to be removed. The beginning of a slide was also observed in the north-east corner of the RDA, starting in D55.
 - The Operator has since cleared most of the ditch of debris, and has used some of the larger boulders to stabilize the area in the north-east corner (Photo 18). However, the Operator stated that the excavator used clean the ditch was unable to access the western-most areas of D55 (Photo 19). When operations resume, the Operator stated that they should have access to smaller more maneuverable equipment to clear the debris along the western portion of D55. At this time, D55 appears overall to be stable.



Photo 18: (Left) Cleared and stabilized portion of D55. (Right) Stabilized area in north-east corner of RDA, within D55.

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Photo 19: The arrow points to the extent of the ditch that the Operator was able to access with the excavator. The portion of D55 to the west of the arrow has not yet been cleared.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- During the November 2024 inspection, the Division observed that the former Golden Eagle ventilation shaft area had been grazed. The grazing and cattle occupancy at the vent shaft area had significantly impacted the revegetation reclamation efforts within the area. The Operator was advised that they may need to re-vegetate this area prior to consideration of its release. During this March 2024 inspection, it appears that some vegetation has been able to re-establish (Photo 20), but may still need to be re-vegetated prior to consideration of its release.



Photo 20: Former Golden Eagle ventilation shaft area.

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- The area at the former Golden Eagle ventilation shaft that had had check dams still has rebar in place, and appears to be stable.

SLIDES and DAMAGE - Rule 4.12:

- The old equipment and debris that was located in the yard area around the C&W Train Shop is still being salvaged and the area is being graded.
- The berm separating the yard from the Purgatoire River appears to be stable.
- The Portable Explosives and Chemical Storage area was overall stable. However, the Division observed leaking from one of the tanks (Photo 21). **The Operator stated that they will either repair or replace this tank.**



Photo 21: Leak observed on a mag-fluoride tank.

SUPPORT FACILITIES - Rule 4.04:



- In addition to conducting a complete inspection, much of the focus for the March 2024 inspection was on identifying structures and a few features shown on Maps 11-2, 11-3, and 12, and collecting some height measurements. These identifications and measurements will be cross-referenced with the Cost Estimate in Exhibit 28 of the PAP, and the Cost Estimate in the Division's adequacy review for RN8 to ensure consistency. These findings will aid with the Division's annual bond compliance review, which may justify the need for follow-up revisions or bond adjustments, dependent on the determinations made.
 - Table 1, below, provides photos, comments, and some measurements for structures and features identified during the inspection. The Division did an aerial review of the site, using a combination of Maps 11-2, 11-3, and 12 with Esri ArcOnline to attempt initial structure identifications. During the inspection, the Operator helped clarify structure names and their current and/or previous purposes. In addition with Table 1, a Supplemental Article is enclosed with this report, which

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provides individual figures that the Division had created to help identify structures in the field, as well as an aerial view of the site to indicate the approximate location of each figure.

Table 1: The structures and features identified in Table 1 correspond with the supplemental information enclosed with this report.

# on Fig.	Facility/Structure Name(s)	Photos and/or Comments
		<ul style="list-style-type: none"> Black names are the assumed names for each structure from the Division's pre-inspection review of Maps 11-2, 11-3, and the Demolition tasks in the Cost Estimate. *Green are the names that the Operator used to refer to the facilities if different than the names in black. Red numbers indicate facilities either shown on the maps without a label, or seen in aerial imagery that were not shown on the map. Highlighted numbers and figures indicate structures/features not shown on Maps 11-2, 11-3, and/or Map 12 or in the Division's pre-inspection aerial review using Esri ArcOnline.
1	Retaining Wall	 <p>-Wood (telephone poles) horizontal, Metal beams vertical -The Operator was not sure if this belongs to NECC, or if this is owned by another entity -This structure merits further investigation</p>
2	Retaining Wall *Dam	 <p>-Listed as a retaining wall on Map 11-3. However, the Operator stated that this dam is used by a farmer east of the site that directs water through a culvert to his farm -This structure also merits further investigation</p>




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3	Transformer	Not there	
4	Sewage package Treatment Plant Building *Remote loadout	Removed, Operator stated that it has not been there for a long time.	
5	Storage Area	Not pictured. Only contains an area of leveled ground, no structures.	
6	Acid Tank		-Concrete berm around tank -Tank approx. 12' tall
6.5	Transformer	-Not pictured -Additional transformer	
7	Plant Substation		-(circled) transformer to the west of the substation




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8	Thickener Tank		<p>-No visible pad. Operator believes that tank was possibly placed on level ground. -Tank is approx. 10' tall -Metal</p>
9	<p>Thickener Substation *Control Room for the Thickener Tank</p>		<p>-Yellow arrow points to a Thickener Substation/Control Room for the Thickener Tank. → Approx. 18.5' tall → Metal</p> <p>-Red arrow points to an additional tank → Approx. 10' tall → Metal</p>
10	Transformer		<p>-Transformer with concrete foundation.</p>

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11	Wash Plant (Prep plant)		-Wash plant, metal, approx. 72' tall with a pad approx. 12" high.
12	Water feature *Control building for main shut-offs		-Metal conex on beams. → Stairs approx. 7' high → Conex approx. 9' high
13	Water Feature *Water manhole/vault box		-Concrete

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14	Transformer	<ul style="list-style-type: none"> -Not pictured, but can be seen in lower left corner of photo for #12. -Has concrete base
15	Foot Bridge #3	 <ul style="list-style-type: none"> -Antiquated structure, no longer serves practical use -Metal bridge
16	Clean Coal Plant Conveyor	 <ul style="list-style-type: none"> -Leads into stacker (circled) -Metal paneling
16.5	Coal stacker	<ul style="list-style-type: none"> -Circled in photo for item #16 above -Metal structure




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17	Water feature? *Man hole/vault box		
18	*Berms for road	-Berms for road, concrete K-rail (not pictured)	
18.5	Transformer	Not pictured	
19	*Fan Control House		-Yellow metal structure in photo
19.5	Transformer	-Pictured in bottom right corner of photo for item #19	


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20	Fan		<ul style="list-style-type: none"> -Approx. 14' tall -Concrete footers -Metal structure
21	Flume		<ul style="list-style-type: none"> -Metal flume
22	Bates portal (1)		<ul style="list-style-type: none"> -Both Bates portals pictured. -Portals have been closed -In between the portals is a control room (gray) and a power station (yellow). -The control rooms have concrete foundations -Portals have metal siding and metal beams, the control room is metal



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23	Bates portal (2)	See #22 above	
			-I had #24 and #32 as separate items due to how they're drawn on Map 11-3, but this is one continuous belt
24	Conveyor Drive		
24.5	Compressor building	*See green structure in the second photo for item #24. -Metal carport	

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25	Retaining Wall		-Concrete retaining wall above the shotcrete slope
26	Channel	*Not a structure in the demolition task, it's a diversion ditch.	
27	Coal Silos (2), Pads (2)		-Coal silos are in the background of this photo -Approx. 177.4' tall -Buried concrete pads beneath them
28	Retaining Wall	*No retaining wall, only an earthen berm. -Operator stated that the wall was planned to be put in if the rails were to go to the silos, which is no longer the plan	
29	Guard Rail	*No guard rail present	



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30	Antifreeze Tank Sump	 A photograph of a white, rectangular antifreeze tank sump. The tank is situated outdoors on a dark, rocky ground. A red fire extinguisher is leaning against the front of the tank. In the background, there is a complex structure of metal beams and scaffolding, likely part of a conveyor system, under a clear blue sky.	<ul style="list-style-type: none">-No foundation-Used to help prevent the conveyor belts from freezing
31	Silo loadout conveyor belt *Silo feed belt	 Two photographs showing a silo loadout conveyor belt system. The top photo shows a long, elevated conveyor belt supported by a metal frame, leading to a large cylindrical silo. The bottom photo shows a closer view of the conveyor belt structure, including the support beams and the belt itself, with a silo visible in the background. The sky is blue with scattered white clouds.	

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32	Bates portal conveyor	See description for item #24
32.5	Raw coal transfer belt	*no photo*
33	Rock bin retaining wall *Rock waste retaining wall	 <p>-There are a few retaining walls around this area, but the arrow points to what may be the rock bin retaining wall/rock waste retaining wall. -The area to the west is only an earthen berm</p>
34	*Transformer	 <p>-approx. 29" tall concrete pad</p>

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35	*Control room		
36	*Transformers (2)		-Circled
36.5	Retaining wall		-Approx. 12' tall

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37	East Portal *Allen Portal		-Sealed with 20' concrete wall
38	Belt Slope *Allen Slope Belt		-Connects breaker building to portal -No longer used
39	Breaker Building		-Metal stilts, on concrete footers -Approx. 60' tall

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	<p>Compressor Building * Electrical 40 Control Room</p>		<ul style="list-style-type: none"> -Grey box is the Electrical Control Room -Had controlled the feed that went into the Allen mine and Hoist feed through the Bates. -Can still be used if needed -Concrete vault underneath the control room
<p>41</p>	<p>*Transformer</p>		<p>-On an approx. 2' thick concrete pad</p>
<p>42</p>	<p>Power Center? *Heater</p>		<p>-Not a power center, it's a heater</p>



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43	Rock Dust Storage?		<ul style="list-style-type: none">-Was in this area, to the left of the transformer in this photo, but now it's just a pad with two transformers nearby-Concrete retaining wall
43.5	Retaining wall	-See photo for item #43	
44	East Portal Substation		<ul style="list-style-type: none">-Concrete foundations-FencingThree vaults that go up to approx. 4' deep-9' Tall building

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45	*Transformer/Old propane tank	Transformer seen in photo for item #43, the propane tank is gone	
45.5	Transformer	Not pictured	
46	Breaker building rock box? *Carport covering old boot wash station		-Gone, the wind blew it down recently. The piece on the right in the photo is all that is left.

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46.5	(4) 500G water tanks		
47	Concrete Sidewalk	*See sidewalk in photo for item 49	
48	Bathhouse		-Metal building, approx. 12'tall

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49	Brick Building		<ul style="list-style-type: none">-Approx. 23.1' Tall-Brick-Concrete sidewalk around building
50	Industrial Shop Building		<ul style="list-style-type: none">-Approx. 38.5' tall-Metal
51	Transformer		<ul style="list-style-type: none">-On concrete pad, with electrical panel cabinet (gray)

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	<p>*Compressor Building</p>		<p>-Approx. 14' tall with concrete foundation</p>
<p>52</p>	<p>(Just part of wall now)</p>		<p>-Unsure of its original purpose -Only elevated concrete leftover</p>
<p>54</p>	<p>Fuel Tank Containment Sumps</p>		<p>-Three green tanks are in a concrete berm -Metal tank on stilts with a stock tank underneath as secondary containment</p>

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55	Fuel Tank Containment Sumps		*See #54 above
56	Pump Vaults		-Old pumphouse, no longer used -new pumphouse is in the background (also item #81)
57	Concrete cistern		-Goes down about 12' -No longer used



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			-No longer used
58	Pump Vaults		
			-Approx. 8.4' tall
59	Walkway Tunnel		
60	Transformer		

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			-Circled, grey control panel box is the transformer
61	Electrical Panel	Next to pump, right next to grey transformer in #60	
62	Water Tanks (2 at 1,500 each)	Underground sewage tanks	
63	Bath Houses (temporary)		-13.4' tall -no visible pads

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64	Foot Bridge #2 (PERMANENT)		
65	Unnamed/Possibly Transformer? *Old Allen Pump House		-Not used, except to sample water Approx. 10.8' tall
66	Hoist Building		-Approx. 18.4' tall -Metal building

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66.5	Transformer		
67	Rope Guide		-Pillars on footers
68	Sheave		-Four concrete footers -Concrete pad -Metal structure north of fence is pre-law

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69	Temp Hoist	Removed from site	
70	Rope Guide		-Cross bars and some concrete footers
71	MCC Building *Control room transfer belt and raw coal		-Metal conex -On metal beams

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72	Transformer		-Concrete pad
73	Transfer Conveyor Belt *Raw Feed Belt		-Goes from transfer building to raw coal pile -Conveyor belt on beams that are on concrete footers
74	Transfer Building		-Approx. 38' tall -Metal building

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75	Not sure... *Continuation of raw feed belt	Just a continuation of the raw feed belt that connects the breaker building to the transfer building	
76	Coal Sampling Building		- 'Pop-out' area of Breaker Building
77	Water Feature? *Water Vault		- Concrete, about 8' deep

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<div>78</div>	<div>Clean Coal Reclaimed Conveyor Belt *Clean Coal Silo #1 Belt Feed</div>		
<div>79</div>	<div>Raw Coal Conveyor Belt</div>		
<div>80</div>	<div>*Transformer and electrical cabinet</div>		<div>-Concrete Pad</div>

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81	* Pump house		<ul style="list-style-type: none">-Used now instead of concrete cistern/pump set up to the east of this structure-Approx. 14.8' tall
82	Catwalk and Old Gate Valve		<ul style="list-style-type: none">-Old one, new one is by the new pump house
82.5	New Gate Valve		

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83	Foot Bridge #1		-Foot Bridge #1 or Dam
84	Water feature?	Pump house water valve, approx. 10' deep (in foreground in photo for #81)	
85	Pump house *Pond #1 Pump		-With two concrete 3' high blocks

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	<p>86 *Electrical vault for oil house</p>	 A photograph showing an electrical vault (a concrete structure with a metal cover) located next to a building with corrugated metal siding. The vault is surrounded by dry grass and some debris.	
<p>86.5</p>	<p>Transformer</p>	 A photograph of a green transformer unit mounted on a concrete foundation. The unit is situated in a field with dry grass, and a utility pole is visible in the background.	
<p>87</p>	<p>*Used Oil Storage</p>	 A photograph of a concrete containment berm for used oil storage. Inside the berm are two blue oil drums and a black oil drum. A sign on the left side of the berm reads "NO COMBUSTIBLE MATERIAL WITHIN 25 FEET". A yellow excavator is partially visible on the right side of the berm.	<p>-Surrounded by 3' concrete berm</p>


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88	Oil House (shop)		<ul style="list-style-type: none">-Approx. 16.7' tall-Metal-3' Concrete foundation on half and concrete base under all of it
89	East Portal Air Shaft *and two transformers		<ul style="list-style-type: none">-Metal tube-Building (control building) is concrete and approx. 10' tall




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89.5	Transformer	Not pictured	
90	Emergency Escape Hoist		-Metal trailer/building -On a concrete skid with some metal footers -Approx. 10' tall
91	Garage (Ambulance Bay)		-Permanent

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Number of Complete Inspections this Fiscal Year: 3

92	Coal Lab (NECC Offices)		-Permanent
93	Brick Incinerator		-Approx. 4' tall -Brick little fireplace -6" tall concrete pad
94	Scale House		-Metal shack on a skid



Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3


95	Portable Truck Scale		-Metal, on footers
96	*Water valve		-10' deep
97	25K Gallon Water Tank		-On concrete ring

Number of Partial Inspection this Fiscal Year: 6

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			<p>-Approx. 10' deep</p>
<p>98</p>	<p>*Water valve</p>		<p>-On concrete ring</p>

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			<p>-On concrete ring (see bottom photo)</p>
100	65K Gallon Raw Water Tank		
101	*Water pump/valve cover		<p>-Metal roof -Concrete front and back -Wood paneling on side -Slants from about 6' down to '4</p>

Number of Partial Inspection this Fiscal Year: 6
Number of Complete Inspections this Fiscal Year: 3

102	*Drill Pad		-Reclaimed drill pad
103	Topsoil Pile Number 1		-Appears to be in a stable condition -Approx. 18' tall
103.5	Subsoil Stockpile	Not pictured. Approx. 15.1' tall.	


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104	Berms and Portable Explosives Magazine and/or Chemical Storage		-Bermed-off area with earthen berms
105	Topsoil Pile No. 3	<p>-Not pictured</p> <p>-Does not exist nor has it to the Operator's knowledge, it would be between the storage area at the train yard and the river</p>	
106	C & W Train Sand Loading Building and concrete side walk		<p>-Concrete block building</p> <p>-1' concrete foundation</p> <p>-Approx. 12' slanting down to 6' tall</p>

Number of Partial Inspection this Fiscal Year: 6

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107	C & W Car Dept. Office and Used Oil Storage		<ul style="list-style-type: none">-Concrete with concrete slab that's approx. 3' wider than the building on two sides-Approx. 10' down to 8'
108	10 Stall Garage Concrete Apron		<ul style="list-style-type: none">-Metal building-Concrete foundation-Approx. 11.8' tall



Number of Partial Inspection this Fiscal Year: 6

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			<ul style="list-style-type: none">-Metal building-Concrete foundation-Brick building in the back (top photo)-Approx. 22.3' tall metal portion, approx. 10' tall brick portion
109	C & W Train Shop and Offices		<ul style="list-style-type: none">-No propane tank, but fire hose building still there-Metal, about 8' slanting down to about 5'-On a few concrete blocks

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

111	Propane Tank and Fire Hose Bldg	See 110*	
112	Topsoil pile borrow area		<p>-Actually a topsoil pile (unnumbered on map) located south of Containment #1</p> <p>-Approximately 10' tall</p> <p>-Appears to be stable, Operator stated that it hasn't not been disturbed for a long time.</p>
113	Topsoil pile (unnumbered)	<p>-Not pictured</p> <p>-No pile, Operator believes that it was likely used to reclaim the areas in the west side of the permit.</p>	
114	Just says soil stockpile		<p>-No stockpile, just a field to the west of Containment #2</p>
115	Diesel Tank Containment	<p>-Not pictured, not there.</p> <p>-Operator stated that it has been gone for a long time.</p>	

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

116	<div>West Portal Fan Substation</div> <div>*Transformer/ substation</div>		<div>-Concrete pad, about 6” thick</div>
117	<div>West Portal Fan and Fan Housing</div> <div>*West Portal Fan House</div>		

			<ul style="list-style-type: none">-Approx. 18.4' tall-Metal building with 6" concrete pad under and about a 6' x 6' concrete pad out in front of the north side.-Metal fan piece behind building (bottom picture)
118	<p>West Portal Fan House</p> <p>*West Portal Fan and Fan Housing</p>		<ul style="list-style-type: none">-Metal structure, triangular shaped, approximately 15' tall at the tallest point.-Concrete foundation-About 2' thick concrete pad behind the fan (bottom photo).-Partial approx. 2' high concrete slab retaining wall behind it (bottom photo).

Number of Partial Inspection this Fiscal Year: 6
Number of Complete Inspections this Fiscal Year: 3

			
119	Rail Slope *Allen West Portal		-Sealed, has internal concrete wall [One of three west Allen openings. Another one was broken up, collapsed, backfilled, and reclaimed, and the other opening is the west portal shaft/fan (#118).]
120	Nothing	Nothing in this area.	



Number of Partial Inspection this Fiscal Year: 6

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			-Approx. 11.2' tall.
121	Topsoil Pile No. 2		



Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

123	Refuse Conveyor Belt		-
124	Refuse Conveyor Belt Extension		<ul style="list-style-type: none">-Accordion belt-Only small portion of extension remains, the last time the RDA area was operating, haul trucks were utilized more than the extended conveyor belt




Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3



125	Electrical Substation from MR97 *Transformer with electrical panel – not a substation		-Concrete berm around transformer -Gray electrical panel
126	Jansen loadout truck scale	Not there	
127	Jansen coal conveyor		
128	Jansen loadout bin	Not there	
	-Footers (45 cy)	Not there	
	-Transfer points	Not there	
	-Footers 3 x 2	Not there	

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

129	Jansen feed hopper		
130	Plastic tank and cylindrical cement structure		
131	Transformer		-On concrete pad

Number of Partial Inspection this Fiscal Year: 6
Number of Complete Inspections this Fiscal Year: 3

132	Train car/office?		<p>-Train car with steps leading up to it</p>
133	Building, transformer, and water tank?		<p>-Approx. 14' tall building -Possibly a water tank (black) on south side of bldg. -Transformer on the right side</p>

SIGNS AND MARKERS – Rule 4.02:

- A mine sign was posted at the main entrance to the New Elk mine site, the Golden Eagle ventilation shaft area, and at the Jansen Loadout in compliance with Rule 4.02 (Photo 22).

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3



Photo 22: (Top-left) New Elk, (Top-right) Golden Eagle, and (Bottom) Jansen Loadout.

OFFSITE SUPPORT FACILITIES - Rule 4.04, 4.28:

- The Jansen Loadout structures are listed as items #126-133 in Table 1. The Jansen structures are not included in the Supplemental Article attached to this report.
- The conveyor belt appears to be stable.
- There are a few structures that may not be in the cost estimate, and are not included on the map for the Jansen Load out, in Exhibit 40 of the PAP. The Division will investigate further to determine - the purpose of and the reclamation plan - for these structures.

TOPSOIL – Rule 4.06

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

- Topsoil piles were observed throughout the site (see Figures 5, 7, and 9 in the Supplemental Article enclosed with this report). Each pile had been stabilized with vegetative cover (except for the newest one mentioned in the third bullet of this section), and was out of the way of on-going mining operations, and had a sign to identify the stockpiles as topsoil.

Number of Partial Inspection this Fiscal Year: 6

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- During the February 2024 inspection, the Division observed erosion gullies leading off to the north and north-west side of the Stockpile Storage Area, located east of the Train Yard. The Operator was instructed to repair and stabilize the erosion gullies, and install any necessary BMPs to stabilize the area. Since the last inspection, the Operator has repaired the erosion on and to the sides of the Stockpile Storage Area, and has installed check dams along the north-east and north-west sides of the road leading into the area (Photo 23).



Photo 23: Check dams along both sides of the Stockpile Storage Area. The erosion has been repaired and the area has been stabilized.

- In the Stockpile Storage Area, a new pile of topsoil was observed during the previous inspection. The Operator stated that the soil was salvaged during the debris clean-up work conducted during the past year in the Train Yard Area and that the pile contains topsoil quality soil. The Division had instructed the Operator to stabilize the pile with a vegetative cover (Rule 4.06.3(2)(a)(i) and identify it with signage (Rule 4.02.7). Since the previous inspection, the Operator has installed a topsoil sign (see Photo 24), and stated that the pile hasn't been vegetated yet because there is still some topsoil to salvage and sift out from the recent grading done at the Train Storage Area.

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Photo 24: Newest topsoil stockpile with a topsoil sign.

- From looking at Maps 11-2, 11-3, and 12, the Division and the Operator determined that some of the areas listed as being topsoil or soil piles, and topsoil borrow areas on the maps, may have not ever been used as intended on the maps, or the topsoil has already been used to reclaim portions of the site (See Table 1 in the Support Facilities section of this report, and the map and figures in the Supplemental Article enclosed with this report). When the newest stockpile is added to the maps via a revision, the Operator shall consider updating the rest of the soil information at that time as well.
- The Topsoil sign for Topsoil Pile #2 had been broken, and the Operator was instructed to erect a new sign during the Division's February 2024 inspection. During the March 2024 inspection, the topsoil pile sign had been repaired/replaced on Topsoil Pile #2.

DOCUMENTS RECEIVED

OTHER (SPECIFY)

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

ENFORCEMENT ACTIONS/COMPLIANCE

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

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

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, Exp. April 2024 (See Comments below)
Phased Bond Release Documents/Findings	X, 2020
Air Emission Permits	X, SL2 (also additionally SL7 for Golden eagle C-1981-013)
County Special Use Permits	X, 2021 (4)
UG Mining Landowner Notification	Exempt
Subsidence Monitoring Reports	X, Feb 2012
Subsidence Monitoring Data	n/a
Rill & Gully Survey	n/a
Vegetation Monitoring Data	X, 2024 ARR
Specific Variance Approvals	n/a
Annual Reclamation Reports	n/a
Midterm Review Documents	X, MT8 2021
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	X, through February 2024
Transfers/Succession of Operator	X, 2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	X, MT8, 2021

CERTIFICATIONS

Pond Certifications	001A, 004, 005, 006A, 007A, 008
Annual Certifications for Impoundments	X, December 2023
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	X, December 2023
• Compaction Testing	X, March 2023
• Final Certification	n/a
Coal Processing Waste Banks	X, December 2023
Haul Road Certifications	X, 2014
Access Road Certifications	X, 2021

Number of Partial Inspection this Fiscal Year: 6Number of Complete Inspections this Fiscal Year: 3**HYDROLOGIC RECORDS**

NPDES Permit	X, On Extension (2020 letter)
NPDES Records	X, February 2024
Stormwater Management Plan	X
SPCC Plan	X
MSHA Pond Inspections	X, Pond 8, March 26, 2024
State Engineer's Pond Inspection Quarterly Pond Inspections	X, December 2023
Annual Hydrology Reports	X, 2023
• Ground Water Monitoring	X, 2023
• Surface Water Monitoring	X, 2023
• 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)

COMMENTS: When the Insurance Certificate is renewed for both New Elk and Lorencito, the Operator shall include
(on each insurance document) the name of the insured operation for which the policy is held.

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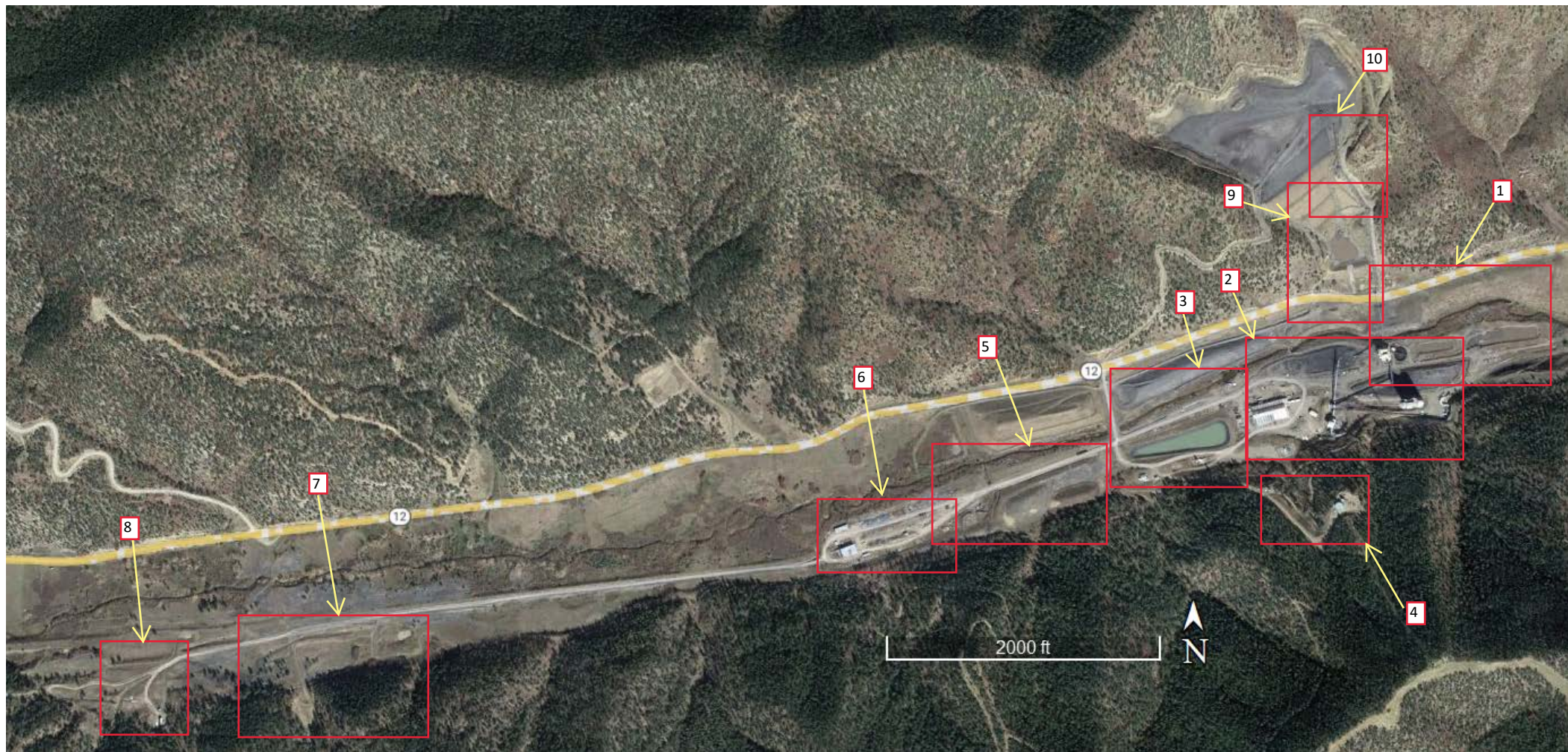
COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

Reference Map and Figures for Surface Facilities and Structures Cataloged and Measured During the March 26-28, 2024 DRMS Partial Inspection of the New Elk Mine, Permit No. C-1981-012

Inspector: Amber M. Gibson
Operator Representative: John Terry

This article is supplemental to the Division's March 26-28, 2024 inspection. Printouts of the Figures within this article were used in the field to identify structures. Structures circled in yellow and have yellow numbered boxes were added post-inspection and represent additional structures identified in the field that were not identified on Maps 11-2, 11-3, and/or Map 12 or in the Divisions pre-inspection aerial review using Esri ArcOnline.





Map 1: Layout map of the main area of the New Elk Mine site. The red boxes correspond with the figures (in the following pages of this article) that highlight each area that structures were cataloged and measured.

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 1

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG

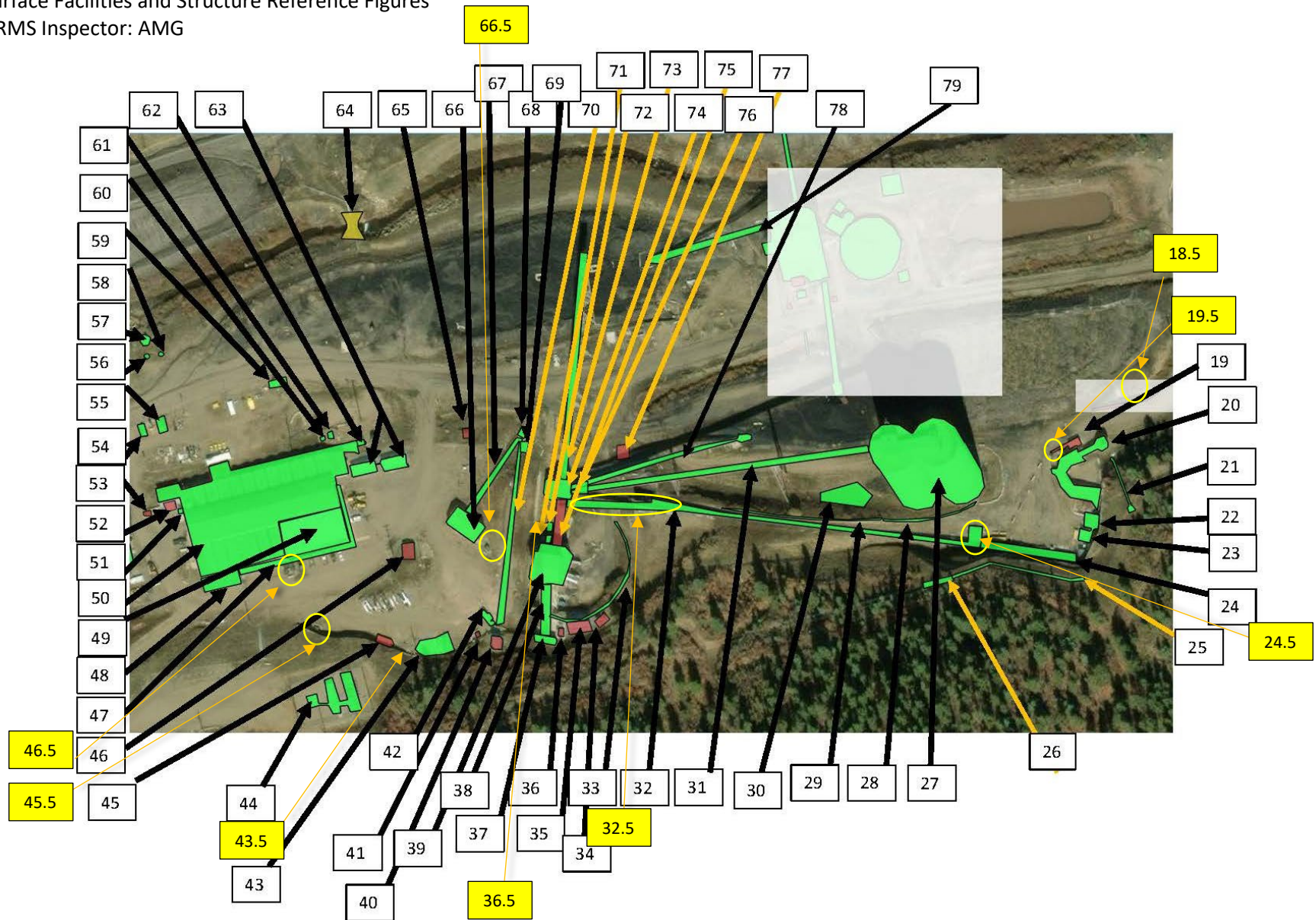


Figure 2: White boxes are over structures that were cataloged in the previous figure.

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG

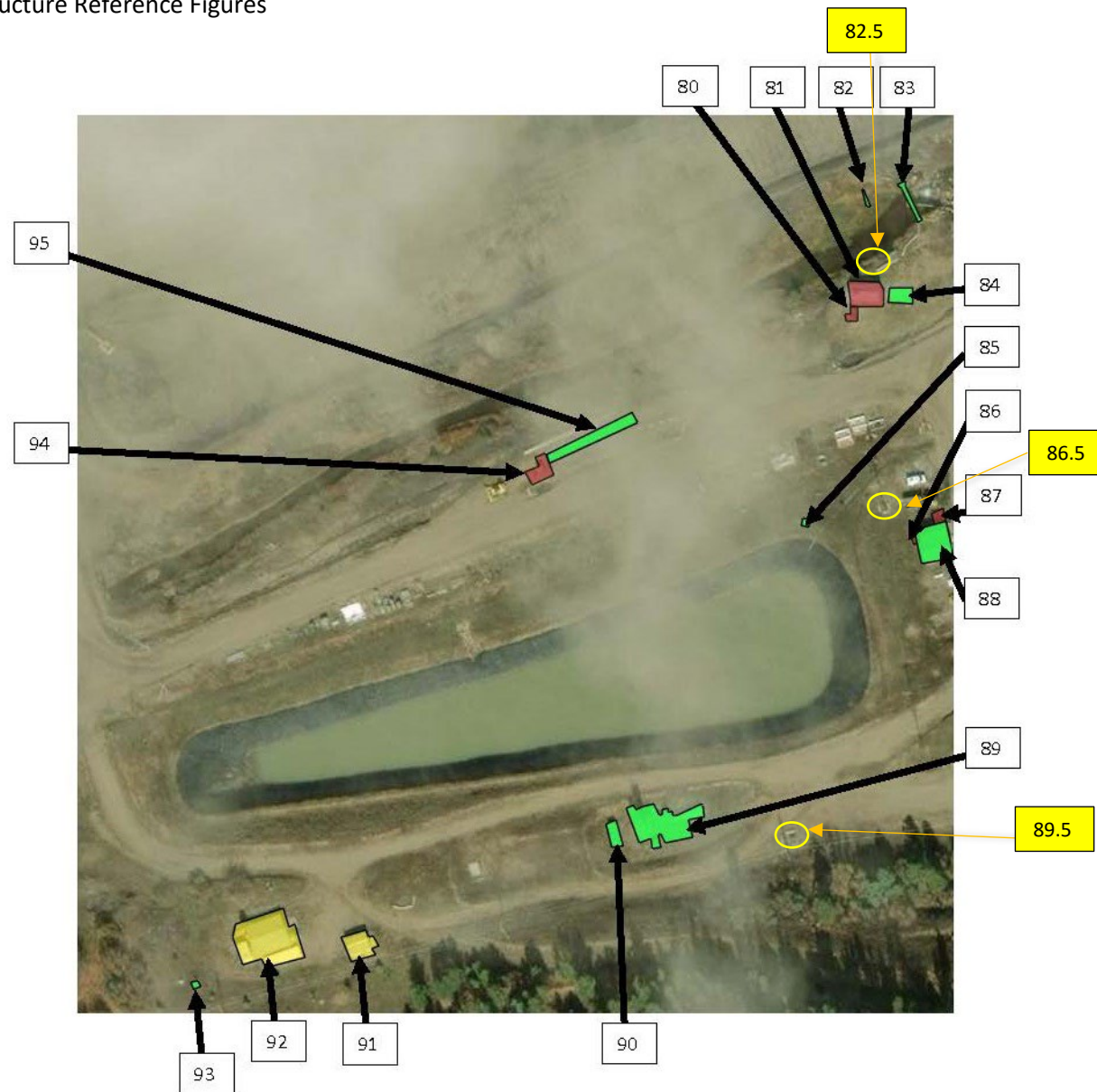


Figure 3

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 4

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 5

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 6

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 7

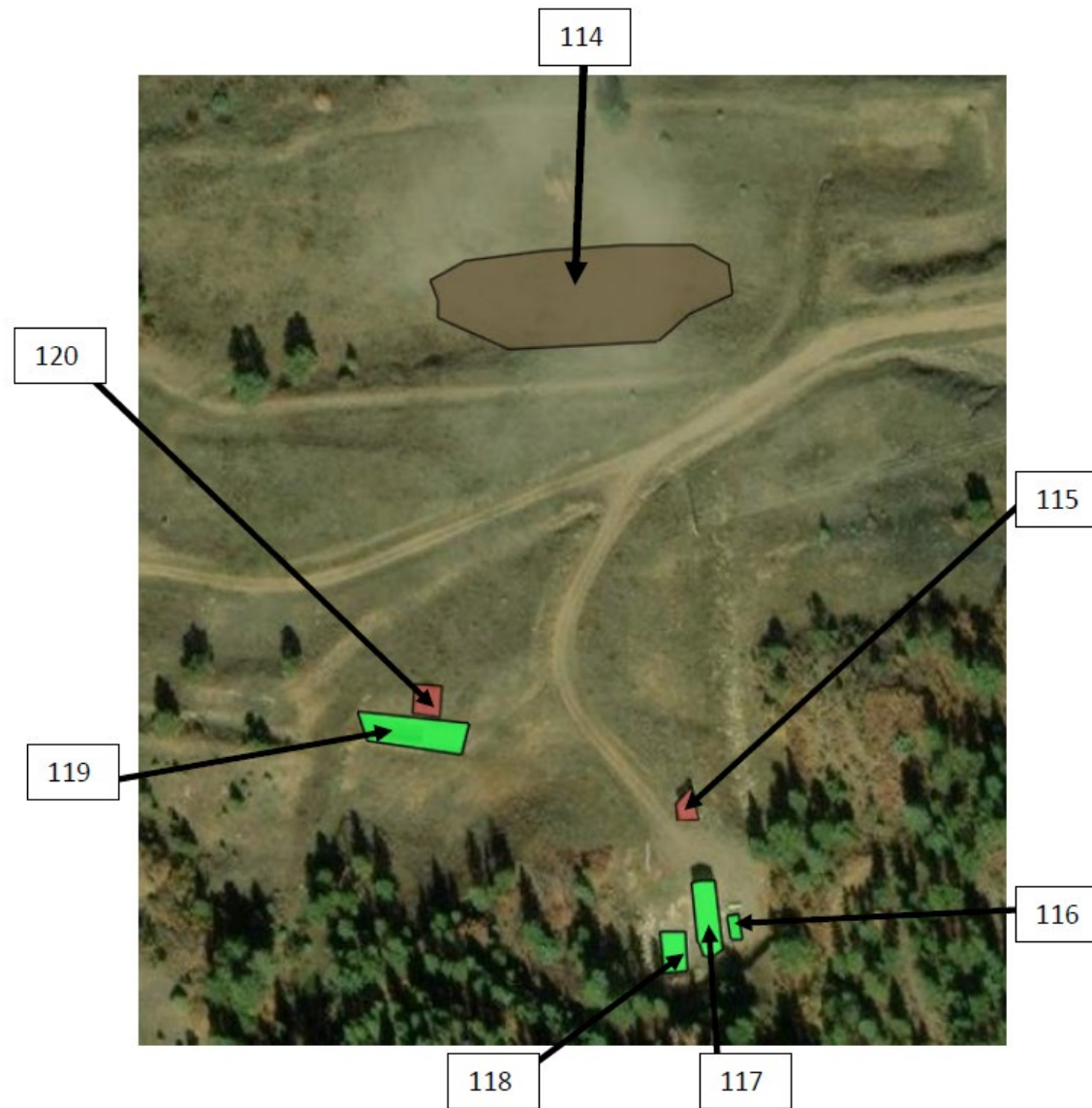


Figure 8

New Elk Mine, C-1981-012
March 26-28, 2024 Partial Inspection
Surface Facilities and Structure Reference Figures
DRMS Inspector: AMG



Figure 9



Figure 10