STATE OF COLORADO

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

Inspection Report, New Elk Mine, April 10, 2024 Inspection

1 message

Gibson - DNR, Amber <amber.gibson@state.co.us> Fri, Apr 19, 2024 at 12:23 PM
To: jterry@newelkcoal.com

Good afternoon,

Attached for your records is a copy of the Division's inspection report for the partial inspection of the New Elk Mine, C-1981-012, conducted on April 10, 2024.

Thank you,

Amber M. Gibson
Environmental Protection Specialist

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

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https://drms.colorado.gov/

InspRpt_NewElk_Ptl_Ditches_April 10, 2024_C1981012.pdf
15232K

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: April 10, 2024 **Inspection Start Time:** 08:15 **Inspection End Date:** April 10, 2024 **Inspection End Time:** 11:05	**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 M. Gibson	**Inspector's Signature:** **Signature** **Date:** April 19, 2024

1313 Sherman St. Room 215
Denver, CO 80203
(303) 866-3567

Inspection Topic Summary
NOTE: **Y**=Inspected **N**=Not Inspected **R**=Comments Noted **V**=Violation Issued **NA**=Not Applicable

N - Air Resource Protection
N - Availability of Records
N - Backfill & Grading
Y - Excess Spoil and Dev. Waste
N - Explosives
N - Fish & Wildlife
Y - Hydrologic Balance
N - Gen. Compliance With Mine Plan
N - Other
N - Processing Waste
N - Roads
N - Reclamation Success
N - Revegetation
N - Subsidence
N - Slides and Other Damage
N - Support Facilities On-site
Y - Signs and Markers
N - Support Facilities Not On-site
N - Special Categories Of Mining
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, conducted the inspection. John Terry, with NECC, accompanied me during the inspection. The weather was cool and cloudy.

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.

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.
- 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. However, pumping has begun since the previous inspection.

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:

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

- During the previous inspection, the Division attempted to collect a measurement of culvert C11, and found that it was unreachable (Photo 1). During the April 2024 inspection, the Division was able to measure the outlet side of C11 (Photo 2). C11 at the outlet side is metal, and has a one foot diameter.

Photo 1: Photos from the Division's previous inspection. (Left) concrete cover over C11. (Right) Arrow points to C11.

Photo 2: C11 (Arrow points to other side of C11 shown in Photo 1).

- Erosion was observed on the road area above and to the side of Culvert C16D during the February 2024 inspection. This bank area has been repaired and stabilized, and the ditch on C16D's west inlet has been cleaned also (Photo 3).

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Photo 3: (Left) Stabilized bank around C16D. (Right) Cleared out west side of C16D.

- During the previous inspection, Containment #5 was observed. The Division informed the Operator that Containment #5 would require some maintenance, such as cleaning some of the sediment accumulation, before operations begin. The Operator stated during the April 2024 inspection that Containment Area #5 was expected to be cleaned within the following week.
- Pond 007A contained a small amount of water but was not discharging (Photo 4). The emergency spillway was free of obstructions and the embankment appeared to be stable. Pond 007A had recently been pumped to Pond 004.

Photo 4: Pond 007A

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

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eastern side of the SAE at the south side of the permit **still need to be repaired.** During the inspection, the Operator located some silt fencing that they will use to make these repairs.

- Pond 006A contained some water that was being pumped to Pond 004 during the inspection (Photo 5). The banks around Pond 006A appeared to be stable.

Photo 5: Pond 006A.

- Pond 004 contained some water, primarily from the water that had been pumped from Pond 007A and was being pumped from Pond 006A (Photo 6). Ditch D2 is used to pump water from Ponds 006A, 007A, and 08. Ditch D2 contained water being pumped from Pond 006A during the inspection (Photo 7). Pond 004 was not discharging.

Photo 6: Pond 004.

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Photo 7: Ditch D2 being used to pump water from Pond 006A to Pond 004.

- Culvert C17A contains an accumulation of sediment (Photo 8). **The Operator shall clean the culvert to remove the sediment to ensure it can function properly.**

Photo 8: C17A has accumulated excess sediment.

- During the inspection, a subset of ditches were observed, measured, and photographed. Table 1 (enclosed with this document) corresponds with the measurements taken, and the observations made, of the ditches reached during the inspection. The Division will measure the remaining ditches over the course of the inspection year. No other maintenance issues were identified at this time, other than what has been cited above. However, the Division will conduct further investigations once the ditch data has been completely collected which may potentially determine that revisions to the PAP are required.

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SIGNS AND MARKERS – Rule 4.02:

- A mine sign was posted at the main entrance in compliance with Rule 4.02.

Enclosures:

1. ***Table 1: Division's Ditch Observations and Measurements Collected during the April 10, 2024 Partial Inspection.***
2. ***Figure 1: Ditch Measurement Locations During the April 10, 2024 Partial Inspection, Overlain on Map 13-East Portal Sediment and Surface Water Control Plan.***
3. ***(Annotated table from the PAP) Table 20: Ditch Data.***

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.

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Table 1: Division's Ditch Observations and Measurements Collected during the April 10, 2024 Partial Inspection.

The following field measurements and shape observations are collected and compared to the Operator's information in *Table 20: Ditch Data* from the PAP.					
Ditch No.	**Depth (ft) x Top Width (ft) from Table 20 in PAP**	**Shape, Table 20**	**Depth (ft) x Top Width (ft) from field measurement**	**Shape, field obsv.**	**Photo/Comments**
2	0.87 x 10.35	Trap.	0.5 x 6	Trap.	
3	1 x 7.51	V	2.58 x 11	Trap.	Not pictured -Widened and built up on outer bank
4	0.83 x 4.2	V	1 x 12	Trap.	Not pictured - Widened and built up on outer bank

10	1.12 x 6.7	V	6 x 16	Trap.	 	

10A	0.49 x 2.43	V	1 x 8	Trap.		
11	2.0 x 8.0	Trap.	2.5 x 12	Trap.		

12	0.95 x 4.3	Trap.	N/A	Trap.		-No longer a ditch, slopes down to the west side, and into D14
13	0.59 x 2.93	V	3.5 x 10	V		
14	0.86 x 4.12	Trap.	3-4 x 14.5	Trap.	Not pictured - Widened and built up on outer bank	

16	1.34 x 6.69	V	6.17 x 20.5	Trap.		
17A	0.7 x 3.52	V	N/A	V?		-Not really a ditch. The north side of the road just drops off into a flat area.

17B	0.92 x 4.59	V	0-4 x 5	V		-Ranges from about 4’ at the top of the slope, down to 0’ at the bottom of the road.
18	2.5 x 13.8	V	2.41 x 10’	Trap.		
18B	N/A	N/A	N/A	N/A	*-Not in table, but shown on Map 13: East Portal Sediment and Surface Water Control Plan* Not a ditch, just a road with a berm.	

22	1.79 x 8.94	V	4.17 x 15	Trap.		
22A	N/A	N/A	7 x 18	Trap.		*-Not in table, but shown on Map 13: East Portal Sediment and Surface Water Control Plan.*

23	2.5 x 13.8	V	7.67 x 18	V		
24	1.0 x 7.0	Trap.	6.58 x 15.5	Trap.		

24B	0.72 x 3.58	V	2 x 6.17	Trap.		
24D	0.86 x 4.28	V	0.16-0.25 x 10	Trap.		-Not a really a ditch, more of a depression/path on the side of the road.

						
24E	0.55 x 2.74	Trap.	3.5 x 7.5	Trap.		

25	1.5 x 7.5	V	2 x 8.75	N/A		-Not a ditch anymore. The Operator believes that it was at one point, but now the water runs over a slope that runs down the road into culvert C31.
26	1.44 x 10.61	V	2 x 19	Trap.		

						
32	2.0 x 8	Trap.	4.83 x 12	Trap.		

32A	0.48 x 2.38	V	4 x 10	Trap.		
32B	0.58 x 2.88	V	6 x 17	Trap.		

39A	1.0 x 2.5	Trap.	5.5 x 13.5	V-flat	 	- V shape near culvert, then s hallows out to the west
58	None provided in table	N/A	7.17 x 20	Trap.	Not pictured	

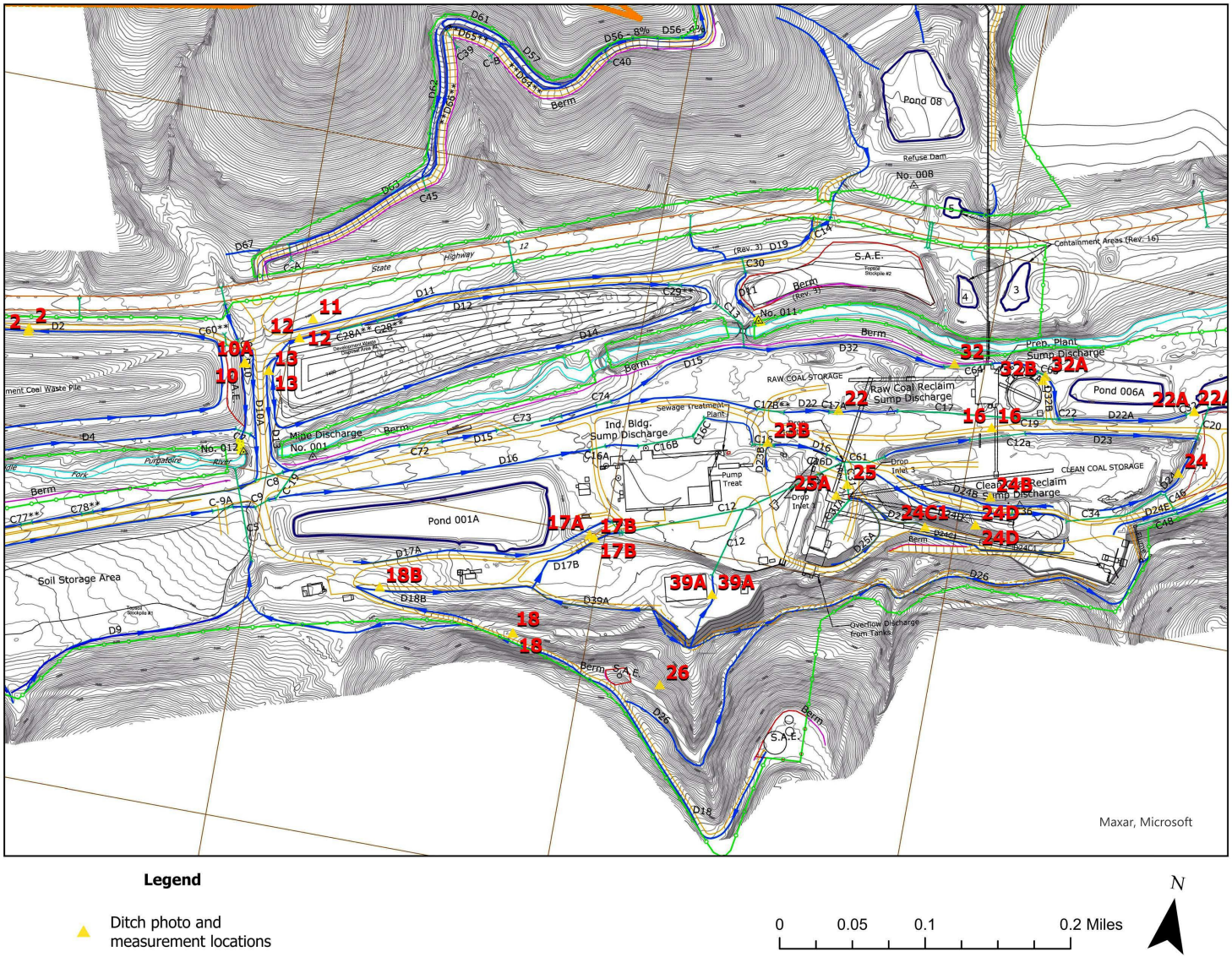

Figure 1: Figure indicating the approximate locations where photos and measurements were taken for each ditch in Table 1, overlain onto the *Map 13: East Portal Sediment and Surface Water Control Plan* map from the PAP. *There is some error in the photo locations in relation to the locations indicated on the map.

Below is a copy of Table 20 from the PAP, with annotations from the Division for use as a reference in the April 10, 2024 Inspection Report. The pink and blue highlighted ditches are labeled on Maps 13 and 14 in the PAP, with the blue names being specifically located in or around the RDA.

Table 20 Ditch Data

Ditch Number	10-Year 24-Hour Peak Discharge	Contributing Drainage Area (Acres)	Disturbed (D) or Undisturbed (UD)	CN	Depth (FT)	Top Width (FT)	Shape	Ditch Slope (%)	Rip- Rap (In.)
1	10.5	3.9	D	88	1.5	7.5	V	1.5	
2	13.38*	4.4	D	85	0.87	10.35	Trap.	5.0	
3	3.65*	1.4	D	85	1.0	7.51	V	4.0	
4	1.83*	0.76	D	82	0.83	4.2	V	1.8	
5	1.75	1.95	D	79	0.88	4.41	V	1.0	
6	3.98	2.2	D	89	0.96	3.84	V	3.0	
7	40.6	18.9	UD	80	2.0	8.0	Trap.	3.2	
8	3.12	3.22	D	89	0.82	4.08	V	6.0	
9	34.8	15.9	UD	80	2.5	13.8	V	5.9	
10	40.46*	71.86	UD	64	1.12	6.7	V	4.6	
D10A	0.19	0.14	D	82	0.49	2.43	V	5.0	
11	44.4	23.5	UD	80	2.0	8.0	Trap.	2.9	
12	8.75*	2.83	D	94	0.95	4.3	Trap.	1.0	
13	0.59	0.43	D	82	0.59	2.93	V	5.0	
14	6.83*	2.24	D	94	0.86	4.12	Trap.	1.0	
15	8.75	6.95	D	86	1.23	6.16	V	2.0	
16	11.35	13.44	D	80	1.34	6.69	V	1.9	
17A	1.63	1.75	D	89	0.70	3.52	V	6.0	
17AA	1.00	1.07	D	89	0.65	3.24	V	5.0	
17B	2.92	3.01	D	89	0.92	4.59	V	2.0	
17C	5.71	6.31	D	89	1.09	5.47	V	2.0	
17D	0.26	0.30	D	87	0.51	2.55	V	5.0	
18	140.0	92.5	UD	80	2.5	13.8	V	6.2	
19	4.3	0.9	D	87	1.0	3.85	V	3.4	
20	7.37	6.1	D	80	1.10	5.48	V	3.3	
21	9.1	0.7	D	89	1.5	7.5	V	1.8	
22	21.51	14.71	D	82	1.79	8.94	V	1.0	
23	47.2	34.0	D	89	2.5	13.8	V	2.0	
23A	0.95	0.61	D	85	0.71	3.53	V	2.0	
23AA	1.48	0.95	D	85	0.78	3.9	V	2.0	
23B	0.09	0.14	D	85	0.48	2.38	V	1.5	
24	15.8	6.90	D	85	1.0	7.0	Trap.	1.75	
24A	0.28	0.18	D	85	0.56	2.78	V	2.0	
24B	1.01	0.65	D	85	0.72	3.58	V	2.0	
24BB	0.08	0.05	D	85	0.48	2.38	V	2.0	
24C	4.81	0.09	D	94	1.1	4.3	V	2.8	
24C1	0.43	0.2	D	94	1.0	4.04	V	2.2	
24C2	2.23	0.89	D	93	1.0	4.1	V	10.0	

Ditch Number	10-Year 24-Hour Peak Discharge	Contributing Drainage Area (Acres)	Disturbed (D) or Undisturbed (UD)	CN	Depth (FT)	Top Width (FT)	Shape	Ditch Slope (%)	Rip- Rap (In.)
24C3	0.71	0.33	D	85	1.0	4.1	V	1.0	
24C4	0.86	0.4	D	85	1.0	4.0	V	22.0	Pit Run
24C5	3.06	0.18	D	89	1.0	4.0	V	2.0	
24C6	2.67	0.21	D	93	1.0	4.0	V	12	
24D	2.21	1.42	D	85	0.86	4.28	V	2.0	
24E	0.26	0.17	D	85	0.55	2.74	V	2.0	
25	5.3	1.5	D	89	1.5	7.5	V	4.0	
25A	5.3	1.5	D	89			V	5.2	
26-Conc	32.38	52.7	UD	71	1.0	3	Rect.	5.0	
26	32.38	52.7	UD	71	1.44	10.61	V	5.0	
27	1.75	1.23	D	81	0.8	3.3	V	2.0	Pit Run
28	18.27	0.45	D	87	1.75	10	Trap.	3.0	
29	70.0	67.2	UD	72	2.5	13.8	V	13.0	Pit Run
30-E	7.22*	4.01	D	72	0.9	7	Trap.	1.7	
30-W	1.15*	0.4	D	89	0.5	5.1	Trap.	2.7	
31 Traps.	157.2		UD		3.3	19.8	Trap.	1.0	
31 Ariz.	157.2		UD		1.3	100	V	2.0	
32		0.07			2.0	8	Trap.		
32A	0.10	0.21	D	82	0.48	2.38	V	2.0	
32B	0.34		D	88	0.58	2.88	V	2.0	
33		1.16			1.0	5.0	V		
34A		1.01						2.0	
34AA	2.07		D	89	0.81	4.04	V	2.0	
34AAA	1.8	0.83	D	89	0.78	3.91	V	2.0	
34B		0.72						2.0	
34BB	1.27	5.41	D	89	0.72	3.61	V	2.0	
34BBB	1.29	5.41	D	89	0.72	3.62	V	2.0	
39A	5.73		UD	71	1.0	2.5	Trap.	3.25	
39AA	5.73		UD	71	1.0	2.5	Trap.	3.25	
40	8.04*	0.52	D	73	1.2	6.5	Trap.	18.0	15
41	12.21*	0.44	D	89	1.3	6.8	Trap.	12.0	15
42	16.07*	1.34	D	89	1.10	7.4	Trap.	2.0	
43	2.44*	0.45	D	89	0.50	4.6	Trap.	6.2	
44(22%)	4.43*	0.25	D	87	1.1	6.3	Trap.	22.0	12
44(4%)	5.20*	0.27	D	89	0.7	5.1	Trap.	4.0	
45	7.06*	0.65	D	89	0.76	6.8	Trap.	3.2	
46(32%)	23.21*	0.03	D	87	1.20	7.7	Trap.	32.0	24
46(5%)	14.32	0.01	D	87	2.12	8.49	V	5.0	Pit Run
47	2.91*	1.00	D	90	0.60	14.25	V	2.0	
48	1.31*	0.45	D	90	0.54	12.35	V	2.0	
49(2%)	53.24*	47.35	UD	71	2.60	10.8	Trap.	2.0	Pit Run
49(8%)	65.04*	9.79	UD	71	2.20	10.2	Trap.	8.0	12

Ditch Number	10-Year 24-Hour Peak Discharge	Contributing Drainage Area (Acres)	Disturbed (D) or Undisturbed (UD)	CN	Depth (FT)	Top Width (FT)	Shape	Ditch Slope (%)	Rip- Rap (In.)
49(9%)	65.57*	0.07	UD	87	2.10	10.2	Trap.	9.0	15
49(1.6%)	65.53*	1.34	UD	73	2.80	11.7	Trap.	1.6	Pit Run
49(64%)	65.54*	0.02	UD	87	1.50	7.52	Trap.	64.0	12" Grouted Rip Rap
49(30%)	65.59*	0.00	UD	87	1.63	7.89	Trap.	30.0	12" Grouted Rip Rap
49(7%)	65.67*	0.16	UD	87	2.10	8.6	Trap.	12.0	12
50	0.83	0.47	D	87	0.70	2.79	V	2.0	
51	0.64	0.36	D	87	0.64	2.57	V	2.5	
52	1.01	0.57	D	87	0.58	2.33	V	17.0	
53	15.85	0.39	D	87	1.43	5.70	V	6.0	Pit Run
54	16.33	0.27	D	87	2.28	9.14	V	3.0	Pit Run
55	13.90*	9.10	UD	74	1.60	4.97	V	2.80	
55	13.90*	9.10	UD	74	1.31	4.03	V	15.30	
56(.4%)	3.51	3.10	UD	74	1.90	2.5	V	0.4	
56(8%)	3.51	3.10	UD	74	2.10	2.67	V	8.0	3
57	0.62	0.70	UD	74	0.55	2.77	V	7.0	
58									
59									
60									
61	7.57	7.30	UD	74	1.81	9	V	6.0	3
62	2.28	2.20	UD	74	1.80	2.4	V	13.0	3
63	4.16	3.80	D	87	2.10	2.7	V	10.0	3
64	1.24	0.70	D	87	0.90	1.2	V	10.0	
65	0.25	0.14	D	87	0.61	0.80	V	10.0	
66	0.71	0.40	D	87	0.78	1.01	V	10.0	
67	0.75	0.64	D	87	0.79	1.02	V	10.0	
68	1.37	0.20	D	87	0.69	2.77	V	5.6	
69	17.78	0.05	D	87	2.17	8.66	V	7.0	6
* 100-year 24-hour storm									
** Depth includes freeboard									