




**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY
COAL PROGRAM INSPECTION REPORT**



PERMIT INFORMATION

Permit Number: C-1981-012 Mine Name: New Elk Mine Operator: New Elk Coal Company, LLC Operator Address: Mr Ron Thompson 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Underground Permit Status: Temporary Cessation Ownership: Private
	Operator Representative Present: Ron Thompson and Vince Massarotti
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: February 20, 2013 Inspection Start Time: 12:00 Inspection End Date: February 21, 2013 Inspection End Time: 10:00		Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Cloudy	
Joint Inspection Agency: None		Joint Inspection Contacts: None	
Post Inspection Agency: None		Post Inspection Contacts: None	
Inspector(s): Zach T. Trujillo	Inspector's Signature: 		Signature Date: 2/27/13

Inspection Topic Summary

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

N - Air Resource Protection	R - Roads
N - Availability of Records	N - Reclamation Success
R - Backfill & Grading	N - Revegetation
R - Excess Spoil and Dev. Waste	N - Subsidence
R - Explosives	N - Slides and Other Damage
N - Fish & Wildlife	N - Support Facilities On-site
R - Hydrologic Balance	Y - Signs and Markers
R - Gen. Compliance With Mine Plan	N - Support Facilities Not On-site
N - Other	N - Special Categories Of Mining
Y - Processing Waste	Y - Topsoil

COMMENTS

This was a partial inspection conducted on February 20 - 21, 2013 of New Elk Mine by Zach Trujillo of Colorado Division of Reclamation, Mining and Safety. Ron Thompson and Vince Massarotti of New Elk Coal Company accompanied myself during the inspection. The weather was cloudy with a light snow. New Elk Mine's contract with the cement plant in Lyons, CO had expired a couple of weeks prior to this inspection and is currently no longer shipping coal to the plant. Some maintenance issues identified in the inspection of January 2, 2013 and January 28, 2013 have been addressed while others are still in the process.

BACKFILL and GRADING – Rule 4.14

Contemporaneous Reclamation 4.14.1; Approximate Original Contour 4.14.2; Highwall Elimination 4.14.1(2)(f); Steep Slopes 4.14.2, 4.27; Handling of Acid and Toxic Materials 4.14.3; Stabilization of Rills and Gullies 4.14.6:

The Topsoil SAE has area has been regraded. The elevated embankment that allowed the temporary conveyor belt to transfer refuse and developmental waste to the main belt line has been removed. Berm along the southern perimeter of the Topsoil SAE has been established and conveys runoff primarily to the west end of the SAE. The drainage channel west of Containment 4 has been reconstructed to allow runoff to flow from beneath the highway and straight to the Purgatoire River.

EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Both Developmental Waste Disposal Areas (DWDA 1 and DWDA 2) were inspected. DWDA 1 is well vegetated and no signs of erosion or slumping noted. DWDA 2 was inspected for stability. No issues were noted. Additionally, the temporary DWDA was inspected. Cleanings from Containment 3 and Containment 4 were recently piled on top of the temporary pile. No stability issues were noted.

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 3

EXPLOSIVES – Rule 4.08

Distance Prohibitions 4.08.4; Warnings 4.08.4; Control of Adverse Effects 4.08.4:

Currently, no explosives are being stored on site.

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:

Two additional culverts north and south of culvert C2 have been dugout but remained in place. NECC mentioned that they were to be removed once the proper equipment was fixed and running.

Culvert C3 had been dugout around the inlet and outlet. C3 still needs additional clearing within the culvert. Ditch D7 that conveys runoff through culvert C3 has had the major vegetation growth along the outlet of C3 partially removed. The rest of vegetation still needs to be removed and the ditch reestablished to allow proper drainage. Currently water is ponding just below culvert C3's outlet.

Culvert C60** was being cleaned during the time of the inspection.

Culvert C20 which conveys runoff to Pond 007 needs cleaned.

The 5 culverts that convey runoff from the RDA access roads were all inspected. Each culvert was clear.

Culvert C17B previously noted in prior inspection reports was dugout but remains in place within the ditch line.

The drainage channel east of the Topsoil Pile SAE has been reestablished with the extra culvert within the previous drainage channel being removed.

Erosion around the gabions noted in previous inspections has yet to receive maintenance.

Containment areas 3 and 4 were recently cleaned prior to the inspection. Cleanings were stockpiled on the Temporary DWDA.

Noted in prior inspection reports, the berm east of the SAE and south of Pond 007 still needs to be reestablished.

The cell phone tower pad above the RDA was inspected. No signs of erosion were noted. The pad was lined with berms with runoff draining to the east. The drainage point was lined with hay bales for erosion control.

The berm that lines the Water Tank SAE had yet to receive maintenance on the low spot at the time of the inspection. The berm needs to be reestablished to allow drainage to properly runoff to the approved point of discharge.

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GENERAL MINE PLAN COMPLIANCE:

Equipment noted in previous inspection reports that were stored and encroaching on Ditch 5 has been removed.

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

Drainage Control; Surface Stabilization; Placement:

The Refuse Disposal Area was inspected. No refuse placement has occurred recently. The RDA was graded to allow surface runoff to be routed to perimeter ditches before entering the RDA pond. Older sections of the RDA have been reclaimed and are well vegetated. No signs of slumping or erosion were observed along the face.

ROADS – Rule 4.03

Construction 4.03.1(3)/4.03.2(3)

Drainage 4.03.1(4)/4.03.2(4)

Surfacing and Maintenance 4.03.1(5) and (6)/4.03.2(5) and (6)

Reclamation 4.03.1(7)/4.03.2(7):

Roads were maintained and stable. No signs of fugitive dust were noted.

ENFORCEMENT ACTIONS/COMPLIANCE

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Number of Complete Inspections this Fiscal Year: 3

No enforcement actions are to be taken at this time.

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PHOTOGRAPHS



Dugout culvert north of culvert C2.



Culvert and ditch realignment south of culvert C2.



Outlet of culvert C3 and dugout section of Ditch 7.



Erosion and cutting around gabions.



Regraded Topsoil Pile SAE.



Reestablished drainage ditch east of Topsoil Pile SAE.

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Berm east of Containment 4.



Water Tank SAE's berm low spot.



Recently cleaned Containment 3.



Refuse Disposal Area.

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