



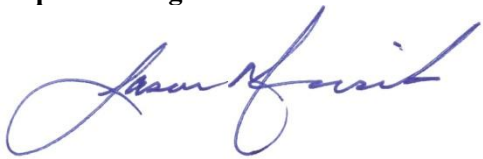
**COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY  
COAL PROGRAM INSPECTION REPORT**



**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 Ron Thompson 12250 Highway 12 Weston, CO 81091	<b>County:</b> Las Animas <b>Operation Type:</b> Underground <b>Permit Status:</b> Temporary Cessation <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Ron Thompson
<b>Operator Representative Signature:</b> (Field Issuance Only)  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> March 11, 2013 <b>Inspection Start Time:</b> 14:45 <b>Inspection End Date:</b> March 12, 2013 <b>Inspection End Time:</b> 10:00	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear
<b>Joint Inspection Agency:</b>  None	<b>Joint Inspection Contacts:</b>
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>
<b>Inspector(s):</b>  Jason D. Musick  Elliott R. Russell	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  3/13/2013

<b>Inspection Topic Summary</b>	
NOTE: Y=Inspected N=Not Inspected R=Comments Noted V=Violation Issued NA=Not Applicable	
<b>N</b> - Air Resource Protection <b>N</b> - Availability of Records <b>NA</b> - Backfill & Grading <b>R</b> - Excess Spoil and Dev. Waste <b>NA</b> - Explosives <b>Y</b> - Fish & Wildlife <b>R</b> - Hydrologic Balance <b>Y</b> - Gen. Compliance With Mine Plan <b>N</b> - Other <b>R</b> - Processing Waste	<b>R</b> - Roads <b>N</b> - Reclamation Success <b>N</b> - Revegetation <b>N</b> - Subsidence <b>NA</b> - Slides and Other Damage <b>Y</b> - Support Facilities On-site <b>R</b> - Signs and Markers <b>NA</b> - Support Facilities Not On-site <b>NA</b> - Special Categories Of Mining <b>R</b> - Topsoil

### **COMMENTS**

This was a partial coal inspection of the New Elk Mine operated by New Elk Coal Company, conducted by Jason Musick of the Division of Reclamation, Mining, and Safety. Ron Thompson and Bobby Steele of New Elk Coal Company accompanied various portions of the inspection and Elliott Russell of the Division accompanied the inspection. Ground conditions were wet and the weather was clear/cloudy during the inspection. The partial inspection focused on the status of on-going maintenance items to be addressed.

#### **EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09**

Placement; Drainage Control; Surface Stabilization:

The development waste pile (DWP) is currently a reclaimed pile located west of the mine entrance. The DWP is stable and well vegetated.

The development waste disposal area (DWDA) is currently operational and located east of the mine entrance and north of the Purgatoire River. The DWDA is stable and no problems noted.

#### **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:

Ponds 001A, 008A, 006A, and 007A, were observed during this inspection. Pond 001A is a lined pond that was holding water. The primary and emergency spillways were stable with no problems noted. The pond is fenced and the embankments displayed minimal vegetative growth. Pond 008A is the RDA pond and was dry at the time of the inspection. The embankments were stable and the primary and emergency spillways had no problems noted. Pond 007A was holding water. The pond embankments were stable and no problems were noted. Pond 006A was holding water at the time of the inspection. According to Bobby Steele of NECC, the pond is scheduled to be lined and fenced. No problems were noted. All ponds were functioning as designed with no problems noted.

All ditches and culverts throughout the mine site were stable and in compliance with no problems noted with the exception of the following:

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

- Culvert C-2 has been reduced to one concrete culvert. The ditch at the inlet and the outlet ditch have been shaped. Approximately 1/4 of sediment remains in the bottom of C-2 that will be flushed out.



Culvert C-2 Inlet



D-34 Re-established at Inlet to C-2



Culvert C-2 Inlet



Removal of Second C-2 Location/Re-established Ditch

- The ditch at the outlet of culvert C-3 has been reestablished. The inlet of Culvert C-3 has been cleared with ~1/4 of sediment remaining in the culvert, which will require flushing. A water hose was at the inlet. **The culvert will require cleaning by March 31, 2013.**

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Re-established Ditch 7 from C-3 to River



Inlet of Culvert C-3

- Culvert C-26 has been removed. Ron Thompson of NECC stated that the area in which C-26 was previously installed will be graded down to a channel and rip-rapped. The channel was established and the riprap was on-site. Note that the reestablished channel appears higher than the existing ditch, the channel at the previous C-26 location will require proper flow to the outlet.



Area of Culvert C-26 Removal and Channel Establish

- Culvert C-17B was near completion. The culvert was removed.
- Culvert C-6 has been cleaned at the inlet of the culvert; however, the culvert remains ~3/4 full of sediment. This material will require removal. **The culvert will require cleaning by March 31, 2013.**

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Culvert C-6 Inlet Clean-out and Sediment in Culvert

- Culvert C-20 at Pond 007 has yet to be cleaned out at the inlet. **The culvert will require cleaning by March 31, 2013.**



Culvert C-20 Inlet



Culvert C-20 Outlet

- The berm at the Water Tank SAE has been repaired with no problems noted.

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Water Tank SAE Berm Repair

- The silt fence at the topsoil pile SAE and the silt fence at the Pond 007 SAE will need to be reinstalled as designed to ensure functionality. The SAEs has been recently re-graded and the silt fence damaged. **The reestablishment of the silt fence will require maintenance by March 31, 2013.**
- Straw bale BMP's at the conveyor supports south of the river and north of the wash plant have yet to be replaced. New straw bales have been placed to be installed, but work had yet to be completed at the time of this inspection.
- The SAE berm east of Pond 007 had yet to be restored. However, NECC has established a drainage channel to divert flow through the permitted rock filter outlet point. This channel allows the capture of the run-off while allowing access to the light use road to the east.



SAE East of Pond 007 Repair Work

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- The damaged gabions north of the Purgatory River and west of the entrance remain un-restored.

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

Drainage Control; Surface Stabilization; Placement:

The Refuse Disposal Area was observed during this inspection. No refuse placement was active and no stockpiled refuse was observed during this inspection. The RDA was well compacted and stable with no evidence of instability or erosion.

#### 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 throughout the site were well maintained and stable. Roads were wet due to recent snowfall.

#### SIGNS AND MARKERS – Rule 4.02:

Mine ID signs were displayed with all current information included.

#### TOPSOIL – Rule 4.06

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

The topsoil SAE has been recently re-graded and is stable. A subsoil pile is currently on the site. No problems were noted with the exception of the following:

- If NECC intends for the stockpiled subsoil to remain on the SAE, appropriate seeding will be required in addition to the appropriate markers per 4.02.7.



Soil Located on Topsoil SAE

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**ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions are pending and none were taken as a result of this inspection.

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