




## 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>  Greg Smith
<b>Operator Representative Signature:</b> (Field Issuance Only)	

### INSPECTION INFORMATION

<b>Inspection Start Date:</b> August 28, 2013 <b>Inspection Start Time:</b> 08:00 <b>Inspection End Date:</b> August 29, 2013 <b>Inspection End Time:</b> 11:30		<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>  Leigh D. Simmons	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  August 30, 2013

**Inspection Topic Summary**

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

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

**COMMENTS**

This was a partial inspection by Leigh Simmons of Colorado Division for Reclamation, Mining and Safety, (the Division). Greg Smith of New Elk Coal Company, (NECC) accompanied the inspection throughout.

The weather was fine, but the first three weeks of August had been unusually wet.

The New Elk mine continues in Temporary Cessation. No coal is being produced, and none is stockpiled.

The parent company of NECC, Cline Mining, continues to search for investors and customers.

The staff at New Elk are working to bring the mine into full compliance with the regulations and permit, and to abate the outstanding enforcement actions.

Consistent with the format of recent inspection reports, items needing action will be highlighted using bold text. Where possible, these items should be addressed before the next inspection. This report does not provide a complete list of outstanding action items, but should be viewed in conjunction with the inspection report of July 23, 2013.

Several permitting actions are in progress, these are detailed under the heading GENERAL MINE PLAN COMPLIANCE of the July inspection report.

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

Placement; Drainage Control; Surface Stabilization:

The erosion on the south side of DWDA1 had not yet been repaired.

**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 diversion ditches along the southern boundary of the disturbed area (D26, D18, D9, D7, D29 and the ditches around the West Fan) had been cleared with a D5 bulldozer. The ditches were well defined and clear of obstructions, although a little trash remained in the concrete section of D26.

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 1

Culverts C5, C9, C8, C3, C2, C23 and C27 were all good (C9 had been replaced). Some material still needs to be tidied up at the inlet to C3.

The berm at the inlet to C2 had been built up.

At the RDA:

Culverts C-A, C45, C39, C-B and C40 were all clear and correctly located on the draft version of map 13. C81 was clear and some work had been done to clean the ditch on the inlet side.

Drainage on the RDA had been taken care of.

The diversion ditch had been cleared as much as possible given the recent wet weather; it still needs to be surveyed.

Improvements had been made to the power pole light use road.

The inlet to C88 had been excavated and the unlabeled culvert removed.

During the inspection, work was taking place to repair the erosion below the conveyor junction.

The sump at the inlet to C13 had been cleaned out, however the soft ground made access to ditch D14 impossible.

Culvert C73 still needs to be flushed, although ditch D15 had been excavated between the four-way and C72, and below C73.

#### GENERAL MINE PLAN COMPLIANCE:

TR68 is not yet complete, although some of the required maps have been submitted and were used during the inspection.

Other permitting actions are ongoing, and deadline dates have been extended to the end of October.

NECC are interested in partially bonding for a sediment drying area that has already been approved. In the meantime, material that has been excavated from ditches, culverts and ponds is being allowed to dry at the west end of the soil storage area, on the understanding that it will be moved as soon as a permanent location for it is available.

Significant progress had been made towards the abatement of the outstanding enforcement actions. It is possible that conditions on the ground will require that one or two of the abatement steps will need to have the deadline extended.

#### DOCUMENTS RECEIVED

N/A

#### OTHER (SPECIFY)

N/A

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 1

**ENFORCEMENT ACTIONS/COMPLIANCE****Infraction Number:** CV2013007

Inspection Date: July 23, 2013

Date Issued: August 22, 2013

Primary Topic: Hydrologic Balance

Secondary Topic:

Tertiary Topic:

Description: Failure to treat surface drainage from a disturbed area before leaving the permit area, in violation of Rule 4.05.2(1)

Abatement #: 1

Abatement Due Date: 9/16/2013

Abatement Due Extended Date:

Abatement Description: Ditch D14 should be restored to the approved design.

**Infraction Number:** CV2013008

Inspection Date: July 23, 2013

Date Issued: August 22, 2013

Primary Topic: Hydrologic Balance

Secondary Topic:

Tertiary Topic:

Description: Failure to maintain ditches, culverts and berms in compliance with the approved design, in violation of Rule 2.07.7(7).

Abatement #: 1

Abatement Due Date: 9/16/2013

Abatement Due Extended Date:

Abatement Description: Clear culverts C73 and C19 of accumulated sediment to restore them to the approved design

Abatement #: 2

Abatement Due Date: 9/16/2013

Abatement Due Extended Date:

Abatement Description: Establish a berm to the south of culvert C2 that will prevent runoff from the shop area flowing into the clean water diversion system

Abatement #: 3

Abatement Due Date: 9/16/2013

Abatement Due Extended Date:

Abatement Description: Grade the channel where culvert C4 was removed to prevent the impoundment of water

Abatement #: 4

Abatement Due Date: 9/16/2013

Abatement Due Extended Date:

Abatement Description: Restore the berm at the "new water tank" SAE to its approved design

Abatement #: 5

Abatement Due Date: 9/30/2013

Abatement Due Extended Date:

Number of Partial Inspection this Fiscal Year: 1Number of Complete Inspections this Fiscal Year: 1

Abatement Description: Clear vegetation, rocks and non-coal waste, and reshape and grade the following ditches as necessary to restore them to the approved design: clean water diversion ditch above West Fan; D29; D29B; D7; D9; D26

Abatement #: 6

Abatement Due Date: 9/30/2013

Abatement Due Extended Date:

Abatement Description: Restore culvert C41 to its approved design, and backfill and grade around the inlet

Abatement #: 7

Abatement Due Date: 9/30/2013

Abatement Due Extended Date:

Abatement Description: Clear the upland diversion ditch above the RDA of fallen rocks and trees

Abatement #: 8

Abatement Due Date: 9/30/2013

Abatement Due Extended Date:

Abatement Description: Survey the entire length of the upland diversion ditch above the RDA to allow comparison of constructed ditch with the approved design

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 1



## **PHOTOGRAPHS**



Photos 2-3: Southern diversion ditches



Photos 1-3: Southern diversion ditches



Photos 3-3: Southern diversion ditches



Photo 4: D15



Photo 5: Improved RDA drainage



Photo 6: Improvements to power pole road

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 1





Photo 7: Cleaning sump at inlet to C13



Photo 8: Erosion above pond 8



Photo 9: Erosion repair in progress

Number of Partial Inspection this Fiscal Year: 1

Number of Complete Inspections this Fiscal Year: 1