



STATE OF  
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

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## Lorencito Canyon Mine, C-1996-084, Inspection Report

1 message

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**Ebert - DNR, Jared** <jared.ebert@state.co.us>

Fri, Sep 17, 2021 at 2:34 PM

To: larrycookconsulting@yahoo.com

Cc: Nick Mason <nmason@newelkcoal.com>

Hello Mr. Cook,

Attached is the inspection report for the Lorencito Canyon Mine. Please let me know if you have any questions.

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Jared Ebert

Senior Environmental Protection Specialist

**\*I am working remotely, please feel free to call my cell at (720) 413-6466**



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

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**COLORADO**  
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Mining and Safety  
Department of Natural Resources

**PERMIT INFORMATION**

<b>Permit Number:</b> C-1996-084 <b>Mine Name:</b> Lorencito Canyon Mine <b>Operator:</b> New Elk Coal Company, LLC <b>Operator Address:</b> Mr. Larry Cook 12250 Highway 12 Weston, CO 81091	<b>County:</b> Las Animas <b>Operation Type:</b> Surface <b>Permit Status:</b> Permanent Cessation <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  Nick Mason
<b>Operator Representative Signature:</b> (Field Issuance Only)	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> September 14, 2021 <b>Inspection Start Time:</b> 07:50 <b>Inspection End Date:</b> September 14, 2021 <b>Inspection End Time:</b> 14:00		<b>Inspection Type:</b> Coal Complete Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear	
<b>Joint Inspection Agency:</b>  None		<b>Joint Inspection Contacts:</b>  None	
<b>Post Inspection Agency:</b>  None		<b>Post Inspection Contacts:</b>  None	
<b>Inspector(s):</b>  Jared Ebert	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  September 17, 2021

**Inspection Topic Summary**

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

Y - Air Resource Protection

Y - Availability of Records

NA - Backfill &amp; Grading

Y - Excess Spoil and Dev. Waste

NA - Explosives

Y - Fish &amp; Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

NA - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

Y - Revegetation

NA - Subsidence

R - Slides and Other Damage

NA - Support Facilities On-site

Y - Signs and Markers

NA - Support Facilities Not On-site

Y - Special Categories Of Mining

Y - Topsoil

**COMMENTS**

This was a complete inspection of the Lorencito Canyon Mine, Colorado Division of Reclamation, Mining and Safety (DRMS or Division) permit number C-1996-084 operated by New Elk Coal Company, LLC (NECC). I, Jared Ebert with DRMS conducted the inspection. Mr. Nick Mason with NECC accompanied me during the inspection.

**AVAILABILITY OF RECORDS – Rule 5.02.4(1):**

The mine records were checked at the mine office. The following items were noted:

The NPDES permit for the Lorencito Canyon Mine requires NECC to submit an annual report on March 1st of each year. NECC was able to produce a copy of this report for me during the inspection, it was dated February 22, 2021. In accordance with Rule 4.05.13(2)(a)(iii), NECC must submit to the Division on the same time schedule as required by the NPDES permit or within 90 days following sample collection whichever is earlier either a copy of the completed reporting form filed to meet NPDES permit requirements; or a letter identifying the State or Federal government official with whom the reporting form was filed to meet NPDES permit requirements and the date of filing.

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

Placement; Drainage Control; Surface Stabilization:

Fills 7, 8, and 9 were observed. The face of these fills are vegetated and stable. The adjacent rock lined ditches were clear and functional.

**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: 1

Number of Complete Inspections this Fiscal Year: 1

Pond 009 was holding water but not discharging. A rill was observed adjacent to the discharge pipe. NECC has placed brush in this rill, and it appears to be preventing the rill from growing. The embankment of the pond was stable and vegetated.

Pond 005 was dry, the standpipe was clear and functional. The emergency spillway was clear and functional, however some brush has begun to establish in the spillway that should be removed. The pond embankment was stable.

Pond 008 was holding water and a small drip of water was observed at the discharge point. The standpipe was clear and functional and the embankment was stable and vegetated.

Pond 006a was holding water but not discharging. The standpipe was clear and functional, and the embankment was stable and vegetated. The emergency spillway was stable and functional.

Pond 007a was holding water but not discharging. The standpipe was clear and functional, and the embankment was stable and vegetated. The emergency spillway was stable and functional.

Pond 009a was holding water but not discharging. The embankment was stable and vegetated. The standpipe was clear and functional.

#### 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):

A significant amount of precipitation has occurred in Las Animas County recently. Many of the roads around the site were damaged due to recent precipitation. NECC will need to conduct road maintenance to address these issues.

#### SLIDES and DAMAGE - Rule 4.12:

The area surrounding the “knob” reclaimed in 2006 and the affected areas reclaimed in 2004 (as shown on the annual report maps) was observed. Rills have formed on the slopes observed in these areas, NECC has placed brush in the rills and conducted repair work of the rills over the years. The erosion of these areas does not appear to be significantly changing/worsening. However, the straw waddles observed on some of the slopes were in disrepair in several places, likely due to recent precipitation events in this area. NECC must continue to monitor these areas and continue to conduct maintenance as necessary.

Recent ditch cleanings were observed piled in an areas near ditch D13 and culvert C6.

#### **DOCUMENTS RECEIVED – None**

#### **OTHER (SPECIFY) – None**

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Number of Complete Inspections this Fiscal Year: 1

**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: 1

Number of Complete Inspections this Fiscal Year: 1

## **PHOTOGRAPHS**



*Figure 1. Fill 8*



*Figure 2. Fill 7*

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*Figure 3. Pond 009a, and Fill 9*

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**AVAILABILITY OF RECORDS****PERMIT RECORDS**

DRMS Permit	February 16, 2018
Permit Application w/Revisions	RN4(Jan 2018)
Findings Document	RN4
Insurance Certificate	May 12, 2020
Bond Document	\$927,121.00- CS
Phased Bond Release	SL2
Documents/Findings	Findings 4/29/08
Air Emission Permits	N/A
County Special Use Permits	#L.A.C. 01-37
UG Mining Landowner Notification	N/A
Subsidence Monitoring Reports	N/A
Subsidence Monitoring Data	N/A
Rill & Gully Survey	2020 ARR
Vegetation Monitoring Data	N/A
Specific Variance Approvals	N/A
Annual Reclamation Reports	2020
Midterm Review Documents	MT5 April 2020
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through July 14, 2021
Transfers/Succession of Operator	SO3, Approved 1/22/2021
Temporary Cessation Notification	N/A
Reclamation Cost Estimate	RN4
<b>CERTIFICATIONS</b>	
Pond Certifications	Exhibit 15
Annual Certifications for Impoundments	2Q Pond Reports Stamped 7/2/2021
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	2Q1 2021
• Compaction Testing	N/A
• Final Certification	N/A
Coal Processing Waste Banks	N/A
Haul Road Certifications	2001
Access Road Certifications	2001

**HYDROLOGIC RECORDS**

NPDES Permit	1*
NPDES Records	2*
Stormwater Management Plan	PAP Exhibit 21
SPCC Plan	n/a
MSHA Pond Inspections	n/a
State Engineer's Pond Inspection	n/a
Quarterly Pond Inspections	2Q 2021
Annual Hydrology Reports	Terminated
• Ground Water Monitoring	
• Surface Water Monitoring	
• Spring & Seep Monitoring	
• Mine Water Discharge Monitoring	
• Mine Inflow Study	
• Water Consumption Records	
Well Permits	201451 Through 201476

**BLASTING RECORDS**

Blasting Publication	
Blasting Records (3 years)	
ATFE Explosives Permit	
Blasting Variances	
Pre-Blast Surveys	

**ADDITIONAL RECORDS (specify)**


COMMENTS: 1\*Expired December 31, 2020 – Reapplied

2\* Q3 2015 DMR's TERMINATED, Annual Report Sent to WQCD by March 1, Annually, Report sent February 22, 2021

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Number of Complete Inspections this Fiscal Year: 1