



STATE OF  
COLORADO

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

---

## Lorencito Canyon Mine, C-1996-084, October 13, 2021 Inspection Report

1 message

---

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

Fri, Oct 15, 2021 at 9:59 AM

To: larrycookconsulting@yahoo.com

Cc: Nick Mason <nmason@newelkcoal.com>

Hello Mr. Cook,

Please see the attached inspection report.

Jared

--

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

P 303.866.3567 ext. 8120 | F 303.832.8106 |

1313 Sherman St., Room 215, Denver, CO 80203

[jared.ebert@state.co.us](mailto:jared.ebert@state.co.us) | <https://drms.colorado.gov>



**INSP-REPORTC\_C1996084\_JLE\_10152021083807.pdf**


885K



**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>  Vince Massarotti
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> October 13, 2021 <b>Inspection Start Time:</b> 11:00 <b>Inspection End Date:</b> October 13, 2021 <b>Inspection End Time:</b> 12:30		<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>  Jared Ebert	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  October 15, 2021

**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 &amp; Grading

N - Revegetation

R - Excess Spoil and Dev. Waste

N - Subsidence

NA - Explosives

R - Slides and Other Damage

N - Fish &amp; Wildlife

N - Support Facilities On-site

R - Hydrologic Balance

N - Signs and Markers

N - 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 of the Lorencito Canyon Mine, Colorado Division of Reclamation, Mining and Safety (DRMS or Division) Permit No. C-1996-084, operated by New Elk Coal Company, LLC (NECC). I, Jared Ebert with DRMS conducted the inspection. Mr. Vince Massarotti with NECC accompanied me during the inspection.

Maintenance items are in bold text below.

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

Placement; Drainage Control; Surface Stabilization:

Fill numbers 7 and 9 were observed. The area during this growing season experienced significant precipitation events. Dense vegetation has established on the face of the fills including native grass species and woody plants. Some weedy vegetation was observed but it appears to have been treated with herbicide. Minor rills have been repaired overtime and vegetation has begun to establish in many of the rills observed. The side channels and bench drains are functional with minor maintenance items noted in the Hydrologic Balance section of this report below.

**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:

Ditch D72 is a rock lined side channel on the east side of Fill 7. The majority of this channel is stable and functional with a few minor maintenance items required. **In the upper reaches of this channel, a terrace drain connects to the channel, a minor erosion feature was observed that is side cutting the channel. Near the bottom of the channel a large rut has formed.** According to Mr. Massarotti, NECC will bring equipment to the site and repair these features in either early November or December 2021.

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1

Pond 007 was holding water but not discharging. The embankment was stable and the primary and emergency spillways are clear and functional.

Ditch D74 is a rock lined side channel on the west side of Fill 7. Overall, the channel is stable and functional. **Similar to the issues noted above, some minor erosion features were observed where a terrace drain meets the side channel and along the eastern side of the channel.** These areas should be included in the maintenance effort discussed above.

Ditches D94 and D92 are side channels west and east of Fill 9 respectively. Overall, these channels are stable and functional. **Some minor rock placement and maintenance of side erosion will need to be conducted in these channels.** For example the top of D92 is undercutting in places and needs repair. According to Mr. Massarotti, these items will be addressed in the repair effort planned later this year.

Pond 009a was holding water but not discharging. The embankment was stable and vegetated, and the primary and emergency spillway was clear and functional.

#### SLIDES and DAMAGE - Rule 4.12:

The area northwest of Fill 7, reclaimed in 2006 and 2007 (according to the 2020 annual reclamation report map) was observed. NECC has repaired rills and gullies formed in the area overtime using brush placement in rills and gullies, regrading/repair efforts, and the installation of straw waddles. Two notable gullies where repair efforts have been conducted in the past appeared to have held up during this year's precipitation events; however, **several small gullies broke through some of the erosion control structures and should be monitored and repaired.** In the southwest portion of this area, several larger rills were observed (see Figure #1 for the location). It does not appear any erosion control or repair has occurred in this area recently. Mr. Massarotti indicated NECC will likely place brush in these erosional features. **NECC will need to monitor and repair these areas.**

#### DOCUMENTS RECEIVED

#### OTHER (SPECIFY)

Number of Partial Inspection this Fiscal Year: 2

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: 2

Number of Complete Inspections this Fiscal Year: 1

## **PHOTOGRAPHS**



*Figure 1. Location of several large rills observed. (Google Earth photo dated 10/18/2016)*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1



*Figure 2. Larger rills in 2006/2007 reclaimed area that will need to be monitored and repaired.*



*Figure 3. Erosional feature on D92.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





*Figure 4. Ditch D94.*



*Figure 5. Fill 7 from the Pond 007 area.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





*Figure 6. Fill 9 from the west side looking east.*



*Figure 7. Larger side cut where D75 meets D94.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





*Figure 8. Repair work conducted on Fill 9 terrace and drainage ditch. Out slope repaired and positive drainage re-established to D92.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1