



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>  
To: Nick Mason <nmason@newelkcoal.com>  
Cc: Connor Drinkard - DNR <connor.drinkard@state.co.us>

Thu, Mar 17, 2022 at 7:55 AM

Hello Nick,

Please see the attached inspection report.

Jared

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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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**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. Mark Gray 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> March 15, 2022 <b>Inspection Start Time:</b> 12:30 <b>Inspection End Date:</b> March 22, 2022 <b>Inspection End Time:</b> 14:30		<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>  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>  March 17, 2022

**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

R - Backfill &amp; Grading

R - Revegetation

N - Excess Spoil and Dev. Waste

N - Subsidence

N - Explosives

N - 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 number C-1996-084, operated by New Elk Coal Company, LLC (NECC). I, Jared Ebert with DRMS conducted the inspection. Mr. Vince Massarotti accompanied me during the inspection.

**Maintenance items are in bold text below.**

There are no pending permitting actions. However it was discussed that the permit for the site will expire on November 7, 2022. In order to ensure that NECC may continue operating the mine beyond that date, a complete application for renewal of the permit must be received at least 180 days prior to its expiration (Rule 2.08.5(3)(f)). Therefore, a complete application would be required on or before May 11, 2022. NECC is encouraged to file this application before this date.

**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 reclaimed area around the Knob was observed. The areas above ditches D2, D14, D11 and D5 have sparse vegetation established in some areas and these areas have a number of rills and gullies that have developed. The area reported to have been reclaimed in 2006 and 2005 above the area where pond and ditch cleanings are being stored was observed as well. This area has sparse vegetation established and the area has a significant number of rills and gullies that have formed. NECC has placed straw waddles on this slope and have placed brush in most of the rills. It appears elk and wildlife have heavily used this area and have damaged the waddles. The brush does seem to help prevent the rills from growing, and the brush seems to catch and hold soil and growth medium. These areas were discussed with Vince Massarotti and NECC is exploring options in addressing similar rills and gullies that have formed in the reclaimed area above Pond 006a. **Given the age of the reclamation of these areas in question, NECC will need to evaluate these areas around the Knob, above the pond cleanings and above Pond 006a to determine the best methods to fill, regraded, or otherwise stabilized these areas from erosion.**

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

Also, it is likely these areas will need to be reseeded in places given the sparse nature of the vegetation that has established.



*Figure 1. Ditch D2*



*Figure 2. Rill above ditch D2*

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Figure 3. Sediment deposited below rills formed above ditch D2



Figure 4. Rill above ditch D11.

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Number of Complete Inspections this Fiscal Year: 3





Figure 5. Rills on the Knob



Figure 6. Area above pond/ditch cleanings where rills and gullies have formed.

#### 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 water collection drainages or ditches around the area known as “The Knob” was inspected. This included ditches D3, D2, D11, D14, and D5. The affected land around the Knob was reclaimed in 2006 and 2004 according to the 2020 annual reclamation report map submitted by NECC. Overall, these ditches were maintained and appeared functional. There is a steep stretch of ditch D11 as it bends and drains due north into ditch D14. The center of the ditch is rock lined but the side of the channel has sparse vegetation established and is partially eroding. **NECC should evaluate this ditch and stabilize the side slopes.**

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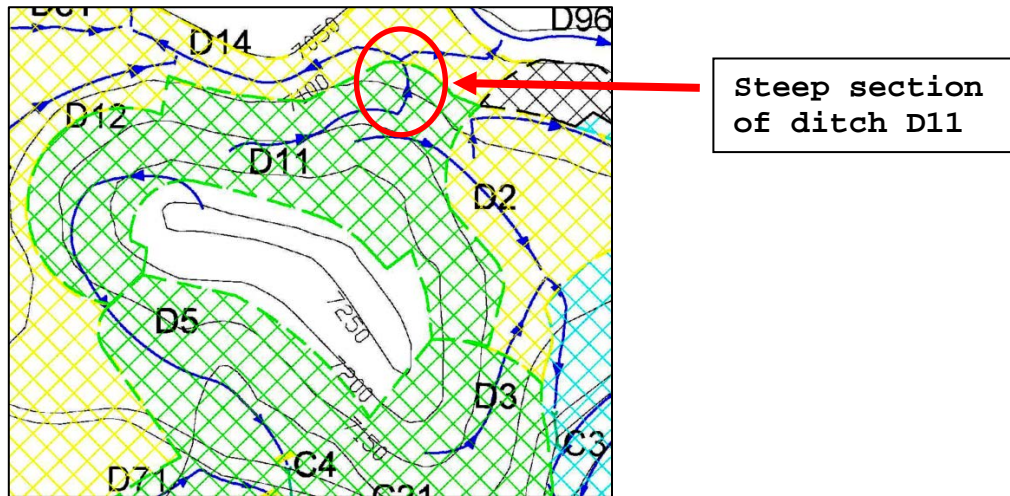


Figure 7. The Knob



Figure 8. Steep section of D11

#### RECLAMATION SUCCESS:

NECC has placed pond and ditch cleanings in an area west of ditch D13 in an area reported to have been reclaimed in 2004 and 2005. This area was measured using ArcCollector and found to be about 1.68 acres in size. This area has been re-affected by the operation at the site and will need to be reclaimed and revegetated and can no longer be considered in a state of reclamation.

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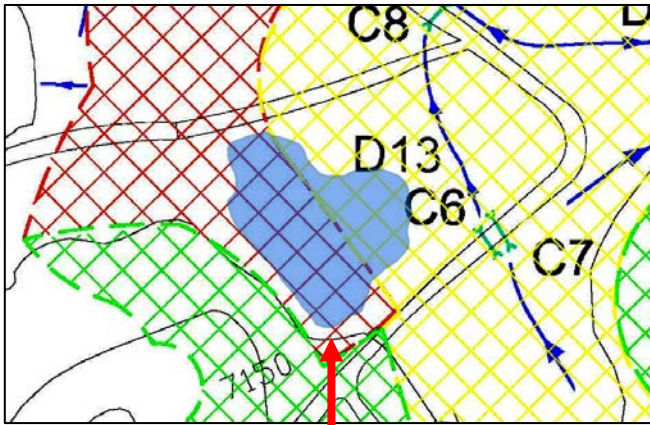


Figure 9. Area re-affected by pond and ditch cleanings.

#### REVEGETATION – Rule 4.15

##### Vegetative Cover; Timing:

The areas to be repaired for rills and gullies where sparse vegetation has established discussed above will likely need to be revegetated.

#### DOCUMENTS RECEIVED – None

#### OTHER (SPECIFY) - None

### 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: 6

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