



STATE OF
COLORADO

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Lorencito Canyon Mine, C-1996-084, May 26 2022 Inspection Report

1 message

Drinkard - DNR, Connor <connor.drinkard@state.co.us>

Wed, Jun 1, 2022 at 3:33 PM

To: nmason@newelkcoal.com

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

Hello Nick,

Please see the attached inspection report and let me know if you have any questions.

Best regards,

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Connor Drinkard

Environmental Protection Specialist Intern



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

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

PERMIT INFORMATION

Permit Number: C-1996-084 Mine Name: Lorencito Canyon Mine Operator: New Elk Coal Company, LLC Operator Address: Mr Mark Gray 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Surface Permit Status: Permanent Cessation Ownership: Private
	Operator Representative Present: Mr. John Terry
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: May 26, 2022 Inspection Start Time: 09:30 Inspection End Date: May 26, 2022 Inspection End Time: 15:45		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: 	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Connor Drinkard Jared Ebert	Inspector's Signature: 		Signature Date: June 1, 2022

Inspection Topic Summary

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

Y - Air Resource Protection

R - Availability of Records

N - Backfill & Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

R - Fish & Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

NA - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

N - 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

N - 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 (NECC). I, Connor Drinkard and Jared Ebert with DRMS conducted the inspection. Mr. John Terry with NECC accompanied us during the inspection. **Maintenance items are in orange text.**

Pending permitting actions:

Renewal Application 5 (RN5) – currently under review by DRMS. Adequacy determination due by June 28, 2022.

AVAILABILITY OF RECORDS - Rule 5.02.4(1):

The records were checked at the mine office. **Please update the mine permit application with the most recent revisions past RN4 (Jan 2018). Update the mine records to include the 1st quarter 2022 fill inspection report. Please update the mine records and file a copy of the NPDES Annual Report that is due on March 1 each year with CDPHE and provide the Division a copy of this report. See the last page of this report for more details.**

EXCESS SPOIL and DEVELOPMENT WASTE - Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Fills 008, 007 and 009 were observed. No signs of instability were noted. The side drainage ways were clear and functional. The face of each fill was observed, overall the vegetation is well established.

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 4



Figure 1. Fill 007.

FISH & WILDLIFE - Rule 4.18

Protection of fish, wildlife, and related environmental values:

Elk were observed close to many of the ponds.



Figure 2. Elk near Pond 005.

HYDROLOGIC BALANCE - Rule 4.05

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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:

Pond 009 was not holding water. The emergency spillway was clear and functional. The embankment was stable and vegetated. **Please clear the primary spillway outlet to ensure its functionality.**



Figure 3. Pond 009.



Figure 4. Pond 009.

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Figure 5. Pond 009 primary spillway outlet.

Pond 008 was not holding water. The primary and emergency spillway was clear and functional. The embankment was stable and vegetated.



Figure 6. Pond 008.

Pond 005 was not holding water. The primary and emergency spillway was clear and functional. The embankment was stable and vegetated.

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Figure 7. Pond 005.

Pond 006a was not holding water. The primary and emergency spillway was clear and functional. The embankment was stable and vegetated.



Figure 8. Pond 006a.

Pond 007a was not holding water. The primary and emergency spillway was clear and functional. The embankment was stable and vegetated.

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Figure 9. Pond 007a and Fill 007.



Figure 10. Pond 007a.

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

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Figure 11. Pond 009a.



Figure 12. Pond 009a and Fill 009.

GENERAL MINE PLAN COMPLIANCE:

As discussed in the January 24, 2022 inspection report – NECC has placed the sediment they have cleaned from the various sumps and ditches in an area northwest of the “Knob” in an area previously reported to have been seeded in 2009 based on the 2020 annual reclamation report map. Page 2.05-30a of the Permit Application Package (PAP) provides a plan for the handling of sediment cleaned from Pond 009 to be placed in a “drying area” and then used for mine reclamation as determined by a soils analysis. PAP page 2.05-33 provides a general plan for handling sediment cleaning from ponds. **NECC should submit a Minor**

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Revision to the permit that clarifies the plan for handling all material/sediment cleaned from all the sediment control structures as this is not clearly discussed in the PAP. NECC may also choose to address this issue through the permit renewal application currently under review. In addition, the stockpile area used for sediment drying has been re-affected by the stockpile activity and therefore cannot be considered to have been reclaimed in 2009 as portrayed in the annual report maps.

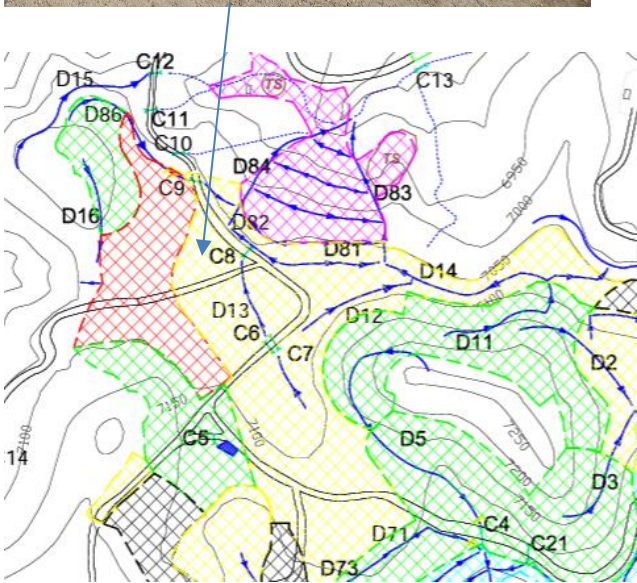


Figure 13. Sediment stockpile northwest of the “Knob.” Arrow pointing to location on 2021 Annual Report Map.

ROADS - 4.03:

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The roads throughout the site were observed. Many of the access roads leading to the sediment control ponds are in need of maintenance and grading. **Please maintain and grade roads.**



Figure 14. Access road to Pond 008.

SLIDES and OTHER DAMAGE – Rule 4.12:

Several erosion features were observed on the western face of “The Knob.” **Please monitor and address.**



Figure 15. Western face of the “Knob.”

Several erosion features were observed on the eastern aspect of the slope west of the sediment stockpile. **Please monitor and address.**

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Figure 16. Affected land west of the sediment stockpile. Eastern aspect of the slope is eroded.

Several erosion features were observed on the southern face northwest of Pond 006a. **Please monitor and address.**



Figure 17. Standing west of Pond 006 looking north.

According to Mr. Terry with NECC, they are consulting with a contractor regarding various erosion repair and stabilization work that much occur on the site.

DOCUMENTS RECEIVED - NONE

OTHER (SPECIFY) - NONE

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ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection, nor are any pending.

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	February 16, 2018
Permit Application w/Revisions	1*
Findings Document	RN4 01/11/2018
Insurance Certificate	9/14/2021
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	2021 ARR
Vegetation Monitoring Data	N/A
Specific Variance Approvals	N/A
Annual Reclamation Reports	2021
Midterm Review Documents	MT5 April 2020
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through April 19, 2022
Transfers/Succession of Operator	SO3, Approved 2/21/2021
Temporary Cessation Notification	N/A
Reclamation Cost Estimate	MT5
CERTIFICATIONS	
Pond Certifications	Exhibit 15
Annual Certifications for Impoundments	1Q 2022 Pond Reports Stamped 3/31/2022
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	4Q 2021, need 1Q2022
• 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	2*
NPDES Records	3*
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	1Q 2022
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* Has not been updated with recent revisions past RN4(Jan 2018)

2*Expired December 31, 2020 – Reapplied

3* Q3 2015 DMR's TERMINATED, Annual Report Sent to WQCD by March 1, Annually, Report sent February 22, 2021 (File with CDPHE and give the Division a copy of annual report)

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