

STATE OF  
COLORADO

Ebert - DNR, Jared &lt;jared.ebert@state.co.us&gt;

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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>

Fri, Jul 29, 2022 at 2:31 PM

Hello Nick,

Please see the attached report from July 27, 2022 inspection. Please let me know if you have any questions.

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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**INSP-REPORTC\_C1996084\_JLE\_07292022013000.pdf**  
938K

**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>  Nick Mason
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> July 27, 2022 <b>Inspection Start Time:</b> 12:00 <b>Inspection End Date:</b> July 27, 2022 <b>Inspection End Time:</b> 14:00	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Cloudy	
<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>  July 29, 2022

## Inspection Topic Summary

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

N - Air Resource Protection

R - Availability of Records

N - Backfill & Grading

R - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

N - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

R - Revegetation

N - Subsidence

R - Slides and Other Damage

N - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

## COMMENTS

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

The area has experienced heavy amounts of precipitation prior to the inspection and a thunderstorm was building at the time of the inspection. Maintenance items are noted in bold text below.

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

The permit renewal no. 5 (RN5) application was received by the Division on April 27, 2022 and was deemed complete for review on May 7, 2022. The Division issued its first adequacy review on June 28, 2022 and is required to issue a decision on the application by August 27, 2022.

### EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Fills 8, 7, and 9 were observed from their respective receiving ponds. Each of the faces of the fills appeared stable and the vegetation was very green likely due to recent precipitation. No appearances of instability or failures were observed.



Figure 1. Fill 8



Figure 2. Fill 7



#### 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:

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

Pond 008 was dripping a small amount of water from the outfall. A pool of water was impounded in Pond 008. The face of the embankment was stable and vegetated. The top of the pond embankment has fairly sparse vegetation, it appears the area is heavily traveled by wildlife. NECC will need to monitor this embankment and possibly reseed the top of the embankment to help establish vegetation for the purposes of long term stability.



Figure 4. Top of Pond 008 embankment.

Ditch D8 on the east side of the access road to Pond 006 contains several large check dams. Several of these check dams were full of water and sediment. **This ditch and the adjacent road ditch will likely need to be cleaned out this year so they remain functional.** The reclaimed slope above Pond 006 is eroding and major rills have formed on the face of the reclaimed slope despite the vegetation that has established on the slope. It appears most of this sediment is from the run-off from this slope. NECC is exploring methods to repair and stabilize this slope and several others around the site where erosion has been noted by DRMS staff. Much of the efforts NECC has put toward stabilizing these areas have had mixed success.





*Figure 5. Ditch D8*



*Figure 6. Ditch adjacent to access road to Pond 006 on northwest side.*

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

Pond 007 was discharging at the time of the inspection. The embankment was stable and vegetated and the primary and emergency spillway appeared clear and functional.

Pond 009a was holding water where it appears algae has germinated in the pond water. Water was dripping out of the outfall of this pond. The primary and emergency spillway was clear and functional, and the embankment was stable and vegetated.

#### 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):

The roads throughout the site were observed. In many of the steeper reaches of the access roads, ruts and rills have formed on these roads due to recent heavy precipitation. **NECC will need to conduct road upkeep and maintenance at the site.**

#### REVEGETATION – Rule 4.15

##### Vegetative Cover; Timing:

Due to recent precipitation, the vegetation observed in the reclaimed areas was very green and appeared to be flourishing.

#### SLIDES and DAMAGE - Rule 4.12:

In areas previously noted by the Division where erosion has been observed such as around “The Knob”, the slope above where NECC places pond/ditch cleanings, and the slopes above Pond 006a have not been repaired or stabilized. According to Mr. Mason, NECC is working with a local contractor to develop plans to repair and stabilize these areas. This issue is also cited as an item in the RN5 adequacy review. NECC will need to develop and implement a plan to stabilize these areas.

#### DOCUMENTS RECEIVED - None

#### OTHER (SPECIFY) - None

### **ENFORCEMENT ACTIONS/COMPLIANCE**

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