

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

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

1 message

Ebert - DNR, Jared <jared.ebert@state.co.us> To: Nick Mason <nmason@newelkcoal.com>

Wed, Aug 31, 2022 at 10:32 AM

Hey Nick,

Please see the attached inspection report.

Thanks,

Jared

Jared Ebert

Senior Environmental Protection Specialist

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



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INSP-REPORTC_C1996084_JLE_08312022081202.pdf



PERMIT INFORMATION

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

INSPECTION INFORMATION

Inspection Start Date: August 23, 2022 Inspection Start Time: 09:15 Inspection End Date: August 23, 2022 Inspection End Time: 13:00			Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Clear		
Joint Inspection Agency: Joint Inspection Agency:		Joint	oint Inspection Contacts:		
None		NA			
Post Inspection Agency:		Post Inspection Contacts:			
None		NA			
Inspector(s):	Inspector	r's Sig	nature: Signature Date:		
Jared Ebert Nikie Gagnon	Jans	-Ebe	August 31, 2022		

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

R - Backfill & Grading

R - Excess Spoil and Dev. Waste

NA - Explosives Y - Fish & Wildlife

R - Hydrologic BalanceY - Gen. Compliance With Mine Plan

NA - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

R - Revegetation

NA - Subsidence

R - Slides and Other DamageNA - Support Facilities On-site

Y - Signs and Markers

NA - Support Facilities Not On-site

NA - Special Categories Of Mining

N - Topsoil

COMMENTS

This was a coal complete 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 and Nikie Gagnon with DRMS conducted the inspection. Mr. Nick Mason with NECC accompanied us during the inspection.

The decision date for Permit Renewal No. 5 (RN5) has been extended to September 30th, 2022.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

The Division conducted a records check at the mine office at the New Elk Mine (C-1981-012). Please see the end of the report for details.

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 slopes above Pond 006a are still heavily eroded as well as the slopes around the Knob. Previously noted erosional issues cited by DRMS inspection reports over the last year have not been addressed. According to Nick Mason with NECC, they are working on finding a contractor to conduct the needed repairs at the site. This issue is also noted in the adequacy review for NECC's application to renew the permit for the site (RN5). NECC has been asked to review and evaluate how these areas will be stabilized from erosion in accordance with Rule 4.14.6 as previous attempts have had mixed success.

EXCESS SPOIL and DEVELOPMENT WASTE - Rule 4.09

Placement; Drainage Control; Surface Stabilization:

Fills 8, 7 and 9 were observed. These fills are well vegetated and stable. Signs of instability and structural weakness were not observed.

Number of <u>Partial</u> Inspection this Fiscal Year: 2 Number of <u>Complete</u> Inspections this Fiscal Year: 0

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 embankment was stable and vegetated. The primary and emergency spillways appeared clear and functional.

Pond 005 contained a small puddle of water but was not discharging. The embankment was stable and vegetated. The primary and emergency spillways appeared clear and functional.

Pond 008 was holding water and was discharging a small amount of water from the primary spillway. The embankment was stable and vegetated. The primary and emergency spillways appeared clear and functional.

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

Pond 009a was holding water and discharging a small amount from the primary spillway. The embankment was stable and vegetated. The primary and emergency spillways appeared 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):

Given the heavy precipitation that has occurred in the area, NECC will need to conduct some grading and maintenance of the access and light use roads within the permit area.

REVEGETATION - Rule 4.15

Vegetative Cover; Timing:

The reclaimed slope above the sediment storage area was observed. Given the recent precipitation that has occurred in the region, desired grasses and forbs have germinated on the steep slope above the sediment storage pile. We observed several species of wheatgrasses, bluestem, side oats grama, blue grama grass. However, Russian thistle has also germinated in this area and accounts for a substantial amount of vegetative cover. While Russian thistle is not desirable, it does provide vegetation cover that assists in stabilizing the slope from erosion. NECC will need to continue to monitor this area and may need to manage the Russian thistle growth if it hinders the development of the desired species. While the vegetation in this area appears better than previously observed by the Division, NECC should still explore actions to stabilize this highly erosive steep slope.

SLIDES and DAMAGE - Rule 4.12:

See the comments regarding backfilling in grading above.

Number of <u>Partial</u> Inspection this Fiscal Year: 2 Number of <u>Complete</u> Inspections this Fiscal Year: 0 **DOCUMENTS RECEIVED: None**

OTHER (SPECIFY): None

ENFORCEMENT ACTIONS/COMPLIANCE

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

PHOTOGRAPHS



Figure 1. Slope above the sediment storage pile.



Figure 2. Slope above sediment storage pile.



Figure 3. View of the Knob from above the sediment storage pile.



Figure 4. Fill 8.



Figure 5. Fill 7



Figure 6. Fill 9

AVAILABILITY OF RECORDS

DRMS Permit Application w/Revisions 12/19/2019 NPDES Permit 3* Permit Application w/Revisions 1* NPDES Records July 2022 Findings Document RN7 Nov. 2019 Stormwater Management Plan Jan 2016 Bond Document \$4,605,014.08 CS SPCC Plan April 2012 Bond Documents/Findings SL2 NSHA Pond Inspections 12/08/2021 Air Emission Permits 2* Quarterly Pond Inspections QQ 2022 Aut Emission Permits Exempt Guarterly Pond Inspections QQ 2022 LG Mining Landowner Notification Feb 2012 Annual Hydrology Reports QQ 2021 Subsidence Monitoring Data n/a Surface Water Monitoring 2021 AHR, DMR's July 2022 Subsidence Monitoring Data n/a Spring & Seep Monitoring n/a Vegetation Monitoring Data n/a Spring & Seep Monitoring n/a Vegetation Monitoring Data n/a Mine Water Discharge Monitoring n/a Annual Reclamation Reports Feb 2022 Well Permits Well Permits Tansfers/Succession of Operator Tenporary Ces	PERMIT RECORDS		HYDROLOGIC RECORDS	
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	Access Road Certifications	n/a		

COMMENTS:

1* Permit file is located in the mine office – does not appear updated with recent revisions.

2* 21LA0184F-1, 21LA0185-1, 21LA0186-1, 21LA0201 Jansen Rail Yard Coal Loadout (AIRS ID 071-0977), Construction permit 84LA074F-1 – August 12, 2021

3* Issued 4/30/2015 Applied for in Dec 2019

Number of Partial Inspection this Fiscal Year: 2 Number of **Complete** Inspections this Fiscal Year: 0