



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>

Wed, Aug 31, 2022 at 10:32 AM

Hey Nick,

Please see the attached inspection report.

Thanks,

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\_08312022081202.pdf**  
1021K



### 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> August 23, 2022 <b>Inspection Start Time:</b> 09:15 <b>Inspection End Date:</b> August 23, 2022 <b>Inspection End Time:</b> 13:00	<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>  NA
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>  NA
<b>Inspector(s):</b>  Jared Ebert  Nikie Gagnon	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  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 &amp; Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

Y - Fish &amp; Wildlife

R - Hydrologic Balance

Y - Gen. Compliance With Mine Plan

NA - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

R - Revegetation

NA - Subsidence

R - Slides and Other Damage

NA - 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 30<sup>th</sup>, 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 Partial Inspection this Fiscal Year: 2

Number of Complete 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 Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0

**DOCUMENTS RECEIVED: None**

**OTHER (SPECIFY): None**

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0

**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: 0

## **PHOTOGRAPHS**



*Figure 1. Slope above the sediment storage pile.*



*Figure 2. Slope above sediment storage pile.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





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



*Figure 4. Fill 8.*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0





*Figure 5. Fill 7*



*Figure 6. Fill 9*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 0

**AVAILABILITY OF RECORDS****PERMIT RECORDS**

DRMS Permit	12/19/2019
Permit Application w/Revisions	1*
Findings Document	RN7 Nov. 2019
Insurance Certificate	5/3/2022 -
Bond Document	\$4,605,014.08 – CS
Phased Bond Release	SL2
Documents/Findings	
Air Emission Permits	2*
County Special Use Permits	Exempt
UG Mining Landowner Notification	Feb 2012
Subsidence Monitoring Reports	n/a
Subsidence Monitoring Data	n/a
Rill & Gully Survey	2022 ARR
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	Feb 2022
Midterm Review Documents	MT8
DRMS/OSM Inspection	July 27, 2022
Reports/Enforcement Actions (3 Years)	
Transfers/Succession of Operator	SO4 1/22/2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	MT8
<b>CERTIFICATIONS</b>	
Pond Certifications	Yes
Annual Certifications for Impoundments	Ponds 1, 4, 7, 8, 6, - 2Q2022, Stamped 6/23/2022
Fill Certifications for Excess Spoil or Underground Development Waste	
• Quarterly Inspections	2Q2022
• Compaction Testing	6/28/2022
• Final Certification	n/a
Coal Processing Waste Banks	6/28/2022
Haul Road Certifications	8/2014 Exhibit 32 PAP
Access Road Certifications	n/a

**HYDROLOGIC RECORDS**

NPDES Permit	3*
NPDES Records	July 2022
Stormwater Management Plan	Jan 2016
SPCC Plan	April 2012
MSHA Pond Inspections	12/08/2021
	n/a
State Engineer's Pond Inspection	
Quarterly Pond Inspections	2Q 2022
Annual Hydrology Reports	
• Ground Water Monitoring	2021 AHR,
• Surface Water Monitoring	2021 AHR, DMR's July 2022
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	AHR 2014,
• Water Consumption Records	July 2022,
Well Permits	Yes

**BLASTING RECORDS**

Blasting Publication	n/a
Blasting Records (3 years)	n/a
ATFE Explosives Permit	n/a
Blasting Variances	n/a
Pre-Blast Surveys	n/a

**ADDITIONAL RECORDS  
(specify)**


**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