



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

January 4, 2023

New Elk Coal Company, LLC.
Attn: Mark Gray
12250 Highway 12
Weston, Colorado 81091

**Re: Lorencito Canyon Mine; C-1996-084
Fourth Quarter 2022 Fill Inspection Report Review**

Dear Mr. Gray:

The Colorado Division of Reclamation, Mining and Safety (CDRMS) has reviewed and found the above referenced report to be in general compliance with the following CDRMS regulations with exceptions noted below:

The introductory paragraph states that at the time of the inspection on December 11, 2022, all of the sediment control ponds were dry. NECC also submitted the 4th Quarter Sedimentation Pond Inspection Report which shows that ponds 8 and 9 contained water on December 11, 2022. Please ensure accuracy when reporting pond conditions.

4.09.1(11)(a) Inspected at least quarterly by a registered engineer or other qualified professional specialist in construction of earth and rockfill embankments under the direction of a qualified engineer throughout the construction and critical periods.

Fills 7, 8 and 9 were inspected. Each of these fills are in final reclamation and no additional fill material is being placed on these facilities. The certified report covers the fourth quarter monitoring period from October 1 to December 31, 2022. The inspections were conducted by Vince Massarotti on December 11, 2022. A certified engineer stamped the report on December 20, 2022.

4.09.1(11)(b) Provide to the Division a certified report within 2 weeks after each inspection that the fill has been constructed as specified in the design approved by the Division. The report shall include a description of any appearances of instability, structural weakness, and other hazardous conditions.

The inspection was conducted on December 11, 2022 and certified by the engineer on December 20, 2022. The Division received the report on January 3, 2023. The report was submitted to the Division two weeks after the report was stamped and certified by an engineer. No instability, structural weakness, or other hazardous conditions were noted during this inspection of the fills.

If you have any questions feel free to contact me at brock.bowles@state.co.us or (720) 774-0040.



Sincerely,

A handwritten signature in blue ink, appearing to read "Brock Bowles".

Brock Bowles
Environmental Protection Specialist

Ec: Nick Mason; NECC, nmason@newelkcoal.com