

**STATE OF  
COLORADO****Gibson - DNR, Amber** <amber.gibson@state.co.us>

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## **Lorencito Canyon Mine C-1996-084, November 17, 2023 Partial Inspection Report**

1 message

**Gibson - DNR, Amber** <amber.gibson@state.co.us>

Mon, Nov 27, 2023 at 3:52 PM

To: jterry@newelkcoal.com, Nick Mason &lt;nmason@newelkcoal.com&gt;

Cc: "Bowles - DNR, Brock" &lt;brock.bowles@state.co.us&gt;

Good afternoon,

Attached for your records is a copy of the Division's Inspection Report for the Lorencito Canyon Mine.

Thank you,

**Amber Gibson** (*formerly Michels*)  
**Environmental Protection Specialist****COLORADO**  
Division of Reclamation,  
Mining and Safety  
Department of Natural Resources**P 720.836.0967** | F 303.832.8106 |  
**amber.gibson@state.co.us**Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216Physical: 1313 Sherman Street, Room 215, Denver, CO 80203<https://drms.colorado.gov/>**InspRpt\_Nov17.2023\_partial\_AMG.pdf**  
1388K




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

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

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> November 17, 2023 <b>Inspection Start Time:</b> 12:00 <b>Inspection End Date:</b> November 17, 2023 <b>Inspection End Time:</b> 01:20		<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>	
<b>Post Inspection Agency:</b>  None		<b>Post Inspection Contacts:</b>	
<b>Inspector(s):</b>  Amber Gibson Jared Ebert	<b>Inspector's Signature:</b>  		<b>Signature Date:</b>  November 27, 2023

**Inspection Topic Summary**

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

**N** - Air Resource Protection  
**N** - Availability of Records  
**N** - Backfill & Grading  
**N** - Excess Spoil and Dev. Waste  
**N** - Explosives  
**N** - Fish & Wildlife  
**R** - Hydrologic Balance  
**N** - Gen. Compliance With Mine Plan  
**N** - Other  
**P** - Processing Waste

**N** - Roads  
**R** - Reclamation Success  
**N** - Revegetation  
**N** - Subsidence  
**N** - Slides and Other Damage  
**N** - Support Facilities On-site  
**R** - Signs and Markers  
**N** - Support Facilities Not On-site  
**N** - Special Categories Of Mining  
**N** - Topsoil

**COMMENTS**

This partial inspection was conducted by Amber Gibson and Jared Ebert of the Division of Reclamation, Mining and Safety (Division). John Terry of the New Elk Mine was present for the inspection of the New Elk Mine C-1981-012 prior to this inspection, and gave the Division permission to conduct the field inspection without him. The weather was clear and slightly windy. The ground was mostly dry. The Lorencito Canyon mine is currently in permanent cessation. **Maintenance items are listed below in bold text.**

**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:

Ponds and ditches

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

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Number of Complete Inspections this Fiscal Year: 2



**Photo 1:** Pond 006



Reference map with photo capture locations in red.

#### PROCESSING WASTE/COAL MINE WASTE PILES – Rule 4.10 and 4.11

Drainage Control; Surface Stabilization; Placement:

- The reclaimed area above Pond 006a has many gullies which have undercut the wattles. This area has not stabilized and needs to be reconstructed and revegetated. NECC is required to provide a plan to stabilize this area through the Permit Renewal No. 5 (RN5) process. DRMS is waiting for NECC's response to this issue. **The ditch along the road leading to Pond 006a is also eroding and is nearly full of sediment and needs to be cleaned out and repaired.**



**Photo 2:** Erosion along south-east side of the reclaimed area above Pond 006a and along the road that's located between this area and Pond 006a.



Reference map with photo capture locations in red.

- The first check dam, located east of this road and above Pond 006a, is nearly full of sediment and at risk of being over-run. **Due to this, the area above the check dam in Photo 3 needs to be cleaned out to prevent damage to the dam, and to prevent excess sediment from entering Pond 006.**

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Reference map with photo capture locations in red.

**Photo 3:** Check dam within D64, to the east of the road near the reclaimed area above Pond 006a leading to Pond 006a.

- The Division walked along ditches 7 and 8 (D7 and D8) and noted erosion control efforts such as added brush and rebar from BMP construction. However, some of the check dams in D7 appear to have failed and require repair (Photos 5 and 6), and the BMP's around the ditches also need to be repaired (Photo 7). D8 appears to be stable at this time (Photos 8 and 9).



Reference map with photo capture locations in red.

**Photo 4:** Looking north along the top of D7.

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**Photo 5:** Looking north along D7.



Reference map with photo capture locations in red.



**Photo 6:** Looking south in D7 at check dams that need repairs.



Reference map with photo capture locations in red.



**Photo 7:** Remains of BMPs north of Pond 006a.

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Reference map with photo capture locations in red.





**Photo 8:** Looking north in D8.



Reference map with photo capture locations in red.



**Photo 9:** Looking south in D8.



Reference map with photo capture locations in red.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- The reclaimed land above Pond 006a, reported to have been seeded in 2007, is still eroded (see Photo 3). NECC is required to provide a plan to stabilize this area through the RN5 process. DRMS is waiting for NECC's response to this issue.
- The Division observed Fill 7 from the access road along the fill's northern border. Fill 7 was well vegetated and appeared stable.
- The Division used ArcGIS Field Maps software to trace the path walked along D5, up to the top of 'The Knob', and down through D2 into D3 (see blue lines on reference map below). The ditches were mostly clear of debris, and appear to be functioning adequately (Photo 10). Erosion was noted along the slopes around "The Knob" (Photos 11 and 12). NECC is required to provide a plan to stabilize this area through

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the RN5 process. DRMS is waiting for NECC's response to this issue.



**Photo 10:** D5 along western side of The Knob.



Reference map with photo capture locations in red.



**Photo 11:** Looking upslope on the north side of The Knob.



Reference map with photo capture locations in red.

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**Photo 12:** Looking downslope on the northeast side of The Knob.



Reference map with photo capture locations in red.

#### SIGNS AND MARKERS – Rule 4.02:

- Mine signs were posted at road entrances and at the entrance to permit boundary in compliance with Rule 4.02.



**Photo 13:** Mine sign posted at east permit boundary entrance.



Reference map with photo capture locations in red.

**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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