

**STATE OF
COLORADO**

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

Lorencito Canyon Mine C1996084, Inspection Report, December 13, 2023

1 message

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

Tue, Dec 19, 2023 at 2:20 PM

To: Nick Mason <nmason@newelkcoal.com>, jterry@newelkcoal.com

Good afternoon,

Attached for your records is a copy of the Division's inspection report for the partial inspection of the Lorencito Canyon Mine conducted on December 13, 2023.

Thank you,

Amber M. Gibson
Environmental Protection Specialist



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

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InspRpt_Lorencito_C1996084_Dec13.2023_partial_AMG.pdf
1663K


**COLORADO****Division of Reclamation,
Mining and Safety**

Department of Natural Resources

PERMIT INFORMATION

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

INSPECTION INFORMATION

Inspection Start Date: December 13, 2023 Inspection Start Time: 10:34 Inspection End Date: December 13, 2023 Inspection End Time: 11:34		Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Snowing	
Joint Inspection Agency: None		Joint Inspection Contacts:	
Post Inspection Agency: None		Post Inspection Contacts:	
Inspector(s): Amber Gibson	Inspector's Signature:  Signature Date: December 19, 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
 R - 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 representing the Division of Reclamation, Mining and Safety (Division/DRMS). Nick Mason and John Terry, representing the Operator New Elk Coal Company, LLC (NECC), accompanied me during the inspection. The weather was cold and snowing. The ground had a thin layer of snow cover. The Lorencito Canyon Mine is currently in permanent cession. **Maintenance items are 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 some frozen water and was not discharging (Photo 1). The pond embankment was stable and vegetated, and the primary and emergency spillways appeared clear and functional.

**Photo 1: Pond 006a**Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 2

- Pond 008 was holding some frozen water and was not discharging (Photo 2). The pond embankment was stable and vegetated, and the primary and emergency spillways appeared clear and functional.



Photo 2: Pond 008.

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

Drainage Control; Surface Stabilization; Placement:

- Because both Operator representatives were present, we observed the reclaimed area above Pond 006a and the many gullies which have undercut the wattles, mentioned in the last report. We also observed the ditch along the road leading to Pond 006a that is eroding, nearly full of sediment, and needs to be cleaned out and repaired. There currently are hunting restrictions on the property that end at the beginning of 2024. The Operator stated that at that time, they plan to mobilize a crew to address some of the erosion problems onsite.



Photo 3: Erosion going southeast across the access road towards Pond 006a. Slope on the right side of the photo is the area known as the reclaimed area above Pond 006a.

- The first check dam, located east of this access road and north-west above Pond 006a, is nearly full of sediment and at risk of being over-run (pictured in previous report). A few check dams down from the

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road are nearly filled with sediment as well (Photo 4). **Due to this, the area above the check dams leading from the road, eastward, towards Pond 006a needs to be cleaned out to prevent damage to the dam, and to prevent excess sediment from entering Pond 006.**



Photo 4: Check dam nearly full of sediment.

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 1). Upon approval of RN5, NECC will be required to submit a revision that provides a plan to stabilize this area. DRMS is waiting for NECC's response to RN5 adequacy concerns at this time.
- The Division and the Operator(s) walked the contours of Fill 008 (Photos 5-8). The fill appears to exhibit positive drainage to the side armored channels. The ditches and channels are free of obstructions. Some slight rilling was observed along the top contour, to which the Operator stated that they had tried to address in the past by applying sand, without success. However, ample vegetation is growing on the slope through the rills, and it appears to be stable at this time. No other signs of erosion were observed.



Photo 5: Looking downslope from the top of Fill 008.

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Photo 6: Looking downslope of the western armored channel along Fill 008.



Photo 7: Looking upslope along one of the contours of Fill 008.



Photo 8: Looking upslope from the bottom of Fill 008.

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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.
- A white monument marker was observed near the north-west side of the downslope portion of Fill 008, to the east of the nearby access road. The Operator stated that these white markers mark the disturbance boundary.



Photo 9: Disturbance boundary marker observed near the north-west side, downslope, of Fill 008.

DOCUMENTS RECEIVED**OTHER (SPECIFY)**

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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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