



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

December 22, 2023

New Elk Coal Company, LLC.
Attn: Chris Walker
12250 Highway 12
Weston, Colorado 81091

Re: Lorencito Canyon Mine; C-1996-084, Fourth Quarter 2023 Pond Inspection Report Review

Dear Chris Walker:

The Colorado Division of Reclamation, Mining, and Safety (Division) has reviewed the above referenced report. This report appears to be in compliance with Rule 4.05.9 (14) and (17). The report included inspection report forms for each of the ponds inspected.

The inspection was conducted by John Terry on December 13, 2023. For Pond 8, 'yes' is selected under the item #1 in the 'Emergency Spillway' section, indicating that the pond had discharged since the last inspection. Under the 'Other Observations' narrative, the Operator states that it 'appears to have not discharged recently'. Please respond to the following:

1. **Please clarify whether Pond 8 has discharged.**
2. If Pond 8 has discharged, **please also clarify that in doing so is in compliance with the NPDES permit.**

No appearances of structural weaknesses or hazardous conditions were noted. In accordance with Rule 4.05.9(17), please retain a copy of the reports at or near the mine site.

It was noted that on the certification page of the report, under the signatures, there is the following statement, "Inspections completed in compliance with Rule 4.09.1(11)(b) must be submitted to the Division within two weeks of completion." This rule pertains to reports filed regarding excess spoil and **does not** apply to these pond inspection reports required by Rule 4.05.9(17), please revise this in future reports.

If you have any questions feel free to contact me at amber.gibson@state.co.us or (720) 836-0967.

Sincerely,

Amber M. Gibson
Environmental Protection Specialist



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