



STATE OF
COLORADO

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

Lorencito Canyon Mine, C-1996-084, Complete Inspection Report

1 message

Gibson - DNR, Amber <amber.gibson@state.co.us>
To: jterry@newelkcoal.com

Wed, Jan 24, 2024 at 12:38 PM

Attached for your records is a copy of the inspection report for the partial inspection of the Lorencito Canyon Mine conducted on January 18 and 19, 2024.

Thank you,

Amber M. Gibson
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 80216
Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

<https://drms.colorado.gov/>



Cmplt_InspRpt_LorencitoCanyon_C1996084_Jan18and19_2014.pdf
1876K



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. John Terry 12250 Highway 12 Weston, CO 81091	County: Las Animas Operation Type: Surface Permit Status: Permanent Cessation Ownership: Private
	Operator Representative Present: John Terry
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: January 18, 2024 Inspection Start Time: 11:40 Inspection End Date: January 19, 2024 Inspection End Time: 10:00		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Cloudy	
Joint Inspection Agency: None		Joint Inspection Contacts: 	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Amber Gibson	Inspector's Signature: 		Signature Date: January 24, 2024

Inspection Topic Summary

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

N - Air Resource Protection	Y - Roads
Y - Availability of Records	Y - Reclamation Success
N - Backfill & Grading	Y - Revegetation
N - Excess Spoil and Dev. Waste	N - Subsidence
N - Explosives	N - Slides and Other Damage
N - Fish & Wildlife	N - Support Facilities On-site
Y - Hydrologic Balance	Y - Signs and Markers
N - Gen. Compliance With Mine Plan	N - Support Facilities Not On-site
N - Other	N - Special Categories Of Mining
Y - Processing Waste	N - Topsoil

COMMENTS

This partial inspection was conducted by Amber Gibson representing the Division of Reclamation, Mining and Safety (Division/DRMS). John Terry, representing the Operator New Elk Coal Company, LLC (NECC), accompanied me during the inspection. The weather was cool and cloudy. The ground had a thin layer of snow cover. The Lorencito Canyon Mine is currently in permanent cessation.

Maintenance items are in bold text.

On November 30, 2023, the Division sent updated requirements to the Operator (pertaining to the Division's second adequacy review) for the Renewal No. 5 (RN5) application. The RN5 decision date is set for February 29, 2024.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

- The mine records were checked in the mine office. The records check list is available at the end of this report.

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 005 was observed. The primary and emergency spillways were clear and functional. The pond was dry and was not discharging. The pond embankment was stable and vegetated.
- Pond 006A was holding some frozen water, but was not discharging. The pond embankment was stable and vegetated around the majority of the pond, however, erosion rills are forming on the north and west banks (Photos 1 and 2). The erosion on the north bank appears to have been addressed at some point, because rebar is placed above the rills. However, it appears that the prior BMPs are no longer functioning adequately. **The Operator shall address the erosion and repair the north bank.** The erosion on the west bank appears to have been caused by runoff from the road located east of Pond 006A. **The Operator**

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

shall address the erosion and repair the west bank. The primary and emergency spillways appeared clear and functional.



Photo 1: Rills forming on the north bank of Pond 006A.



Photo 2: Erosion leading down from the east side of the road and into the west bank of Pond 006A.

- The Division walked west from Pond 007A to Pond 006A via ditch D75 (Photo 3). D75 appears stable, clear of excess sediment build up, and free of obstructions.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3



Photo 3: Looking west across D75.

- Pond 007A was dry and not discharging (Photo 4). The primary and emergency spillways were clear and functional. The pond embankment was stable and vegetated.



Photo 4: Pond 007A

- Pond 008 was holding some frozen water. The flume at the discharge point was full but appears to be due to snow melt above, and in, the flume. Pond 008 was not discharging at the time of the inspection. The majority of the pond embankment was stable and vegetated, however, the west bank contains some erosion rills and gullies. The erosion appears to have been caused by run-off from the roads above and

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

down to the pond (Photo 5). **The Operator shall repair the erosion and stabilize the west bank of Pond 008.** The Operator stated that they will likely install additional rock berms along the western-most road to help prevent run-off from running down the slopes and into the pond. The Operator also stated that they plan to remove the sediment (deposited as a result of the bank erosion) along the west bank of Pond 008. The primary and emergency spillways appeared clear and functional.

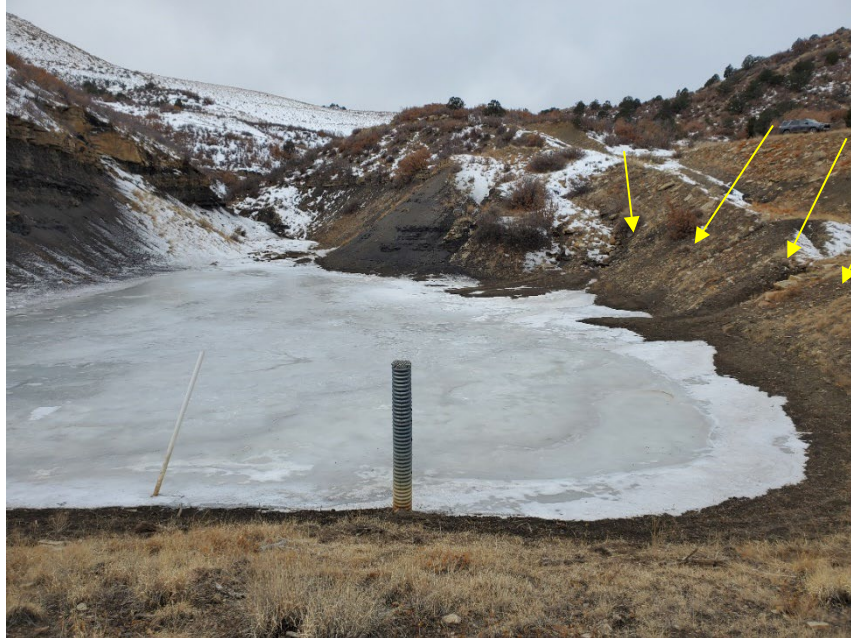


Photo 5: Pond 008 holding some frozen water. The arrows point to places where erosion rills have formed from run-off from the road located above and to the west of the pond.

- Pond 009A contained some frozen water, and was not discharging. The primary and emergency spillways were clear and functional. The pond embankment was stable and vegetated.



Photo 6: In the foreground, Pond 009A holding some frozen water. Fill 009 is in the background.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

- Pond 009 contained some frozen water, and was not discharging. The primary and emergency spillways were clear and functional. The pond embankment was stable and vegetated.



➤ **Photo 7:** Pond 009A holding some frozen water.

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

Drainage Control; Surface Stabilization; Placement:

- **The following items pertain to ongoing maintenance issues, cited in previous reports for the area in and around the reclaimed area above Pond 006A:**
 - The many erosion rills which have undercut the wattles on the reclaimed area.
 - The ditch along the road leading to Pond 006A that is eroding, nearly full of sediment, and needs to be cleaned out and repaired.
 - The check dams leading to Pond 006A that are nearly full of sediment that need to be cleaned to prevent excess sediment from entering the pond.
- *The Operator stated that they plan to have equipment and a crew at the site within a week of this inspection report to address these issues and the pond embankment issues mentioned earlier in the report.
- Fill 7 – The Division walked down the east side of Fill 7 to access Pond 007A (Photo 8). Fill 7 was well

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

vegetated and appeared stable.



Photo 8: Looking west across Fill 007.

- Fill 008 was well vegetated and appeared stable.
- Fill 009 was well vegetated and appeared stable.

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):

- The road along Pond 006A is washed out in the area between the reclaimed area and Pond 006A, **and needs to be repaired**. The road leading down into Pond 008 has some ruts that will **require repairs**.
*These are planned to be addressed at the time the west bank is stabilized.
- The road leading to Pond 005 has significant snow cover. The Operator and Division were able to descend the road to Pond 005, but ascending the hill proved to be difficult. It is not advised that accessing Pond 005 is attempted again until most of the snow melts.

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- The area above where NECC stores pond and ditch cleanings consists of a steep slope. This slope was observed. Erosion rills and gullies were observed but the vegetation on this slope appears better established this year than previously observed by DRMS. NECC is encouraged to continue to monitor this area and conduct maintenance as needed.
- A previously disturbed area north of Fill 7 and north of the road, referred to as “The Knob”, exhibits erosion on the south facing slope. Sediment appears to have sluffed off of the slope. There is also a small catchment at the base of the slope that was not holding water at the time of the inspection. NECC is required to provide a plan to stabilize this area through a revision following the approval of RN5.

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

- The Operator asked the Division what would be required by the Division, for the Operator to change the approved seeding mix. The Operator expressed interest in exchanging many of the currently approved species for native species. NECC's New Elk Mine (C-1981-012) uses a seed mix with more native vegetation, which the Operator stated has produced more successful growth than the seed mix at the Lorencito Canyon site. The Operator shall submit a Technical Revision request, to request a change to the composition of the seed mix.

SIGNS AND MARKERS – Rule 4.02:

- Mine signs were posted at road entrances (Photo 9) and at the entrance to permit boundary in compliance with Rule 4.02.



Photo 9: Permit sign

DOCUMENTS RECEIVED**OTHER (SPECIFY)**

Number of Partial Inspection this Fiscal Year: 4

Number of Complete Inspections this Fiscal Year: 3

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: 4

Number of Complete Inspections this Fiscal Year: 3

AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	X, expires November 2022
Permit Application w/Revisions	X
Findings Document	X, April 2020 MT5
Insurance Certificate	X, April 2024
Bond Document	X, 2020
Phased Bond Release	X, SL-2 2008
Documents/Findings	
Air Emission Permits	X, doc showing permits were terminated
County Special Use Permits	Exempt
UG Mining Landowner Notification	n/a
Subsidence Monitoring Reports	n/a
Subsidence Monitoring Data	n/a
Rill & Gully Survey	X, 2022 ARR submitted 2023
Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	X, submitted 2023
Midterm Review Documents	MT-4
DRMS/OSM Inspection	X, through December 2023
Reports/Enforcement Actions (3 Years)	
Transfers/Succession of Operator	X, 2021
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	X, MT-4 2016 and RN-4 2017
CERTIFICATIONS	
Pond Certifications	X-Exhibit 15
Annual Certifications for Impoundments	X, December 2023
Fill Certifications for Excess Spoil or Underground Development Waste	X, Dec 2023
• Quarterly Inspections	X, Dec 2023
• Compaction Testing	n/a
• Final Certification	n/a
Coal Processing Waste Banks	n/a
Haul Road Certifications	n/a
Access Road Certifications	n/a

HYDROLOGIC RECORDS

NPDES Permit	n/a
NPDES Records	n/a
Stormwater Management Plan	X
SPCC Plan	n/a
MSHA Pond Inspections	n/a
State Engineer's Pond Inspection	n/a
Quarterly Pond Inspections	n/a
Annual Hydrology Reports	n/a
• Ground Water Monitoring	n/a
• Surface Water Monitoring	n/a
• Spring & Seep Monitoring	n/a
• Mine Water Discharge Monitoring	n/a
• Mine Inflow Study	n/a
• Water Consumption Records	n/a
Well Permits	X

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:Number of Partial Inspection this Fiscal Year: 4Number of Complete Inspections this Fiscal Year: 3