



STATE OF  
COLORADO

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

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## Inspection Report, Partial Inspection, Lorencito C-1996-084, February 16, 2024

1 message

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

Thu, Feb 29, 2024 at 4:12 PM

Hi John,

Attached is a copy of the Division's Partial Inspection Report for the Lorencito Canyon Mine C-1996-084.

Thank you,

**Amber M. Gibson**  
Environmental Protection Specialist



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

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**February 16,2024\_Partial\_LorencitoC1996084\_InspectionReport.pdf**  
1762K



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

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> February 16, 2024 <b>Inspection Start Time:</b> 09:00 <b>Inspection End Date:</b> February 16, 2024 <b>Inspection End Time:</b> 10:30		<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Foggy	
<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 M. Gibson	<b>Inspector's Signature:</b>    <b>Signature Date:</b>  February 29, 2024		

**Inspection Topic Summary**

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

N - Air Resource Protection	N - Roads
N - Availability of Records	Y - Reclamation Success
N - Backfill & Grading	N - 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 foggy in the beginning, and cleared up towards the end of the inspection. The ground was damp with some snow in shaded areas. The Lorencito Canyon Mine is currently in permanent cessation. **Maintenance items are cited in the first underlined section below.**

On February 29, 2024, the Division sent a Third Adequacy Review to the Operator for the Permit Renewal No. 5 (RN5) application. The RN5 decision date is set for March 29, 2024.

**OUTSTANDING MAINTANENCE ITEMS (Cited in January 2024 inspection. Corrective action due date: March 27, 2024)**

- Erosion rills are forming on the north and west banks of Pond 006a. 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 shall address the erosion and repair the west bank.**
- The majority of Pond 008's 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 down to the pond. **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 following items pertain to ongoing maintenance issues, cited in previous reports for the area in and around the reclaimed area above Pond 006a:**
  - a. The many erosion rills which have undercut the wattles on the reclaimed area.
  - b. The ditch along the road leading to Pond 006a that is eroding, nearly full of sediment, and needs to be cleaned out and repaired.

Number of Partial Inspection this Fiscal Year: 5

Number of Complete Inspections this Fiscal Year: 3

- c. 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.

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 007a was observed (Photo 1). The primary and emergency spillways were clear and functional. The pond was dry and was not discharging. The pond embankment was stable and vegetated.



**Photo 1:** (Left) Pond 007a. (Right) Dry flume for Pond 007a.

- Pond 009 was observed (Photo 2). The primary and emergency spillways were clear and functional. The pond contained partially frozen water and was not discharging. The pond embankment was stable and vegetated.



**Photo 2:** (Left) Pond 009a. (Right) Dry flume for Pond 009a.

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

Drainage Control; Surface Stabilization; Placement:

- Fill 007 was observed. Fill 007 was well vegetated and appeared stable.
- The Division and the Operator walked Fill 009, starting at the bottom south-west corner. Fill 009 was well vegetated and appeared stable. The armored channels along the sides of the fill were clear of obstructions (Photo 3).



**Photo 3:** West channel along the side of Fill 009.

- The Operator stated that much of the vegetation on the fill is native and has volunteered onto the slopes. The Operator also stated that most of what was planted in the seed mix is limited to the tough areas along the benches (Photo 4). The Operator intends to submit a revision to revise the seed plan at this site.



**Photo 4:** Looking west along bench on Fill 009. Arrows point to grasses from seed mix.

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RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- NECC has placed pond and ditch cleanings to the west of ditch D13 in an area reported to have been reclaimed in 2004 and 2005. During the Division's March 15, 2022 inspection, this area was measured using ArcCollector and found to be about 1.68 acres in size. This area has been re-affected by the operation at the site, will need to be reclaimed and revegetated, and is no longer be considered in a state of reclamation. The Operator stated during the current inspection that the last time that pond cleanings have been placed in this Sediment Drying Area was 2021. However, when the maintenance issues for Pond 006a and Pond 008 are addressed within the next month, the Operator intends to put the cleaned material in this area. The piles have not been seeded, but do have volunteer vegetation growing on them (Photo 5).



**Photo 5:** Pond cleaning piles in the Sediment Drying Area.

- The area above where NECC stores pond and ditch cleanings consists of a steep slope (Photo 6). This slope was observed. Erosion rills and gullies were observed. 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.

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**Photo 6:** Reclaimed area above the sediment cleaning storage area.

**SIGNS AND MARKERS – Rule 4.02:**

- Mine signs were posted at road entrances (Photo 7) and at the entrance to permit boundary in compliance with Rule 4.02.



**Photo 7:** Permit sign.

**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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