



STATE OF
COLORADO

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

DRMS Inspection Report, March 29, 2024 Inspection, Lorencito Canyon, C-1996-084

1 message

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

Fri, Apr 5, 2024 at 8:56 AM

Hi John,

Attached for your records is a copy of the Division's inspection report for Lorencito Canyon (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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InspRpt_Lorencito_ptl_C1996084_March.29.2024.pdf
3168K




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: March 29, 2024 Inspection Start Time: 08:05 Inspection End Date: March 29, 2024 Inspection End Time: 09:15		Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts:	
Post Inspection Agency: None		Post Inspection Contacts:	
Inspector(s): Amber M. Gibson	Inspector's Signature: 		Signature Date: April 5, 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 warm and the skies were clear. The ground was mostly dry. 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 April 30, 2024.

OUTSTANDING MAINTANENCE ITEMS

Listed below are maintenance items in previous inspection reports. A corrective action due date was set for March 27, 2024 in the February 2024 inspection report. A new corrective action date of July 31, 2024 has been set for items 1-3. A new corrective action date of December 31, 2024 has been set for item 4.

1. 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. **Pursuant to Rule 4.05.5(1)(c), 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. **Pursuant to Rule 4.05.5(1)(c), the Operator shall address the erosion and repair the west bank.**
2. 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. **Pursuant to Rule 4.05.5(1)(c), 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.

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Number of Complete Inspections this Fiscal Year: 3

3. 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 ditch along the road leading to Pond 006a is eroding and nearly full of sediment. The overloaded ditch is contributing to the build-up of sediment in the check dams of ditches D8 and D64. **Pursuant to Rule 4.03.2(4), the ditch along the west side of the road leading to Pond 006a needs to be cleaned out and repaired.**
 - b. The check dams leading to Pond 006a, within ditches D8 and D64, are nearly full of sediment. **Pursuant to Rules 4.05.3(1)(c)-(e) and 4.05.5, the Operator shall clean out the sediment from the check dams to prevent excess sediment from entering the pond.**
4. The following items pertain to ongoing erosional issues in the areas shown in Figure 1, that pursuant to Rule 4.14.6 need to be addressed. A Technical Revision will be required to expand on the current Rill and Gully plan in the PAP. **The Operator shall submit the technical revision, obtain approval, repair the erosion, and stabilize the slopes pursuant to the approved plan by December 31, 2024.**

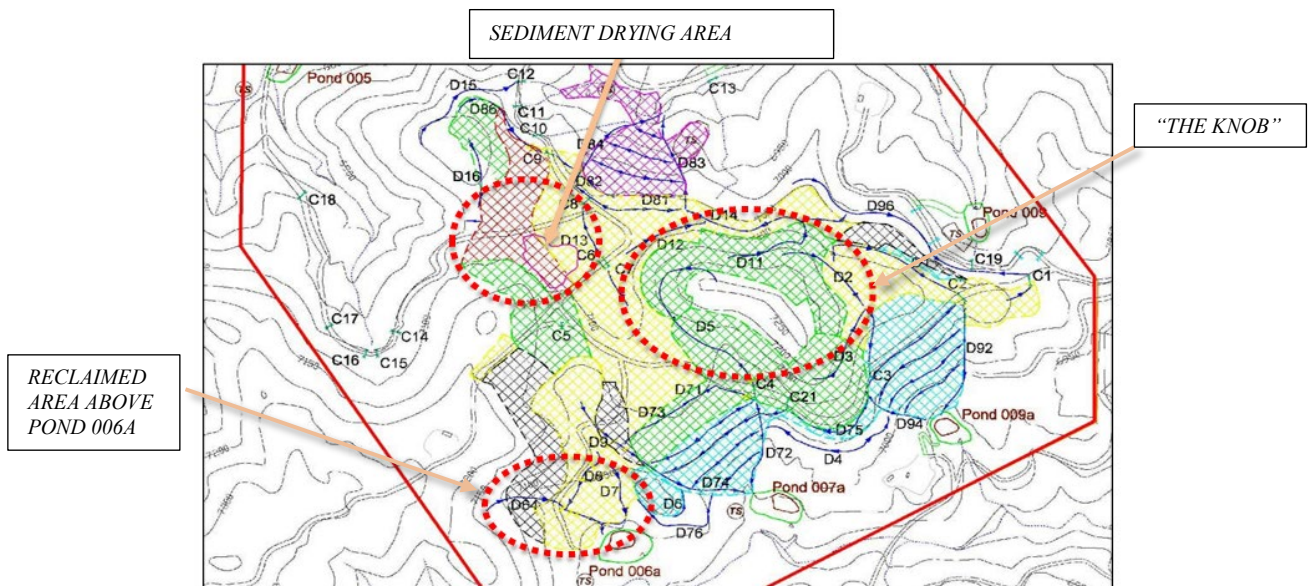


FIGURE 1. AREAS WHERE RILLS, GULLIES AND SPARSE VEGETATION HAS BEEN FOUND TO BE A PERSISTENT PROBLEM AT THE SITE ARE WITHIN THE DOTTED CIRCLE AREAS. BACKGROUND IMAGE IS THE 2020 ANNUAL REPORT MAP.

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 009 was holding some water and was not discharging (Photo 1). The pond embankment was stable and vegetated, and the primary and emergency spillways appeared clear and functional.

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Photo 1: Pond 009 and Pond 009's flume.

- Pond 006a was holding some water (Photo 2) and was not discharging. The primary and emergency spillways appeared clear and functional.
- **Photo 2 below corresponds with the maintenance item #1 on the first page of this report which states:**
 - *“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. **Pursuant to Rule 4.05.5(1)(c), 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. **Pursuant to Rule 4.05.5(1)(c), the Operator shall address the erosion and repair the west bank.**”*



Photo 2: Pond 006a. Arrows indicate the erosion on the north (left photo) and west (right photo) banks.

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- Pond 008 was holding some water and was not discharging (Photo 3). The primary and emergency spillways appeared clear and functional. The flume was nearly full, but was not discharging.



Photo 3: (Left) Pond 008. Arrows point to erosion on the pond's west bank, coming down from the path to the pond below the road. (Right) nearly full flume at Pond 008 outlet.

- **Photo 3 (above) corresponds with the maintenance item #2 on the first page of this report which states:**
 - *"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. **Pursuant to Rule 4.05.5(1)(c), 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."*

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 (Photo 4).

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Photo 4: Looking west across Fill 007.

- Fill 008 was observed. Fill 008 was well vegetated and appeared stable (Photo 5).



Photo 5: Looking north at Fill 008.

- **Photos 6-7 below correspond with maintenance item #3 on Page 2 of this report, which states:**
 - *“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 ditch along the road leading to Pond 006a is eroding and nearly full of sediment. The overloaded ditch is contributing to the build-up of sediment in the check dams of ditches D8 and D64. Pursuant to Rule 4.03.2(4), the ditch along the west side of the road leading to Pond 006a needs to be cleaned out and repaired.*
 - b. *The check dams leading to Pond 006a, within ditches D8 and D64, are nearly full of sediment.*

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Pursuant to Rules 4.05.3(1)(c)-(e) and 4.05.5, the Operator shall clean out the sediment from the check dams to prevent excess sediment from entering the pond.”



Photo 6: (Left) Arrow points to a check dam that is nearly full of sediment (see Maintenance Item #3a). (Right) Arrows point to an area where water has undercut a check dam along its southern bank (see Maintenance Item #3a).



Photo 7: Ditch along the west side of the access road to Pond 006a that is full of sediment (see Maintenance Item #3b).

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

- The reclaimed land above Pond 006a, reported to have been seeded in 2007, is still eroded (see left-side picture in Photo 8). **See maintenance item #4 on Page 2 of this report for how this shall be addressed by the Operator.**

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Photo 8: Erosion on the reclaimed area above and west of Pond 006a.

SIGNS AND MARKERS – Rule 4.02:

- Mine signs were posted at road entrances (Photo 8) and at the entrance to the permit boundary in compliance with Rule 4.02.



Photo 9: Mine 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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