



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

July 29, 2024

Jim Begano
New Elk Coal Company, LLC.
12250 Highway 12
Weston, CO 81091

Re: Lorencito Canyon Mine, C-1996-084 Maintenance Items #1-3 Abatement Deadline Extension Request Approval

Dear Mr. Begano,

On July 29, 2024, the Division of Reclamation, Mining and Safety received your request for an extension for the violation abatement deadline for maintenance items #1-3 (see insert from July Inspection Report below) listed in the recent inspection reports for the Lorencito Canyon Mine. The decision date has been extended from July 31, 2024 to **August 30, 2024.**

OUTSTANDING MAINTANENCE ITEMS Listed below are maintenance items in previous inspection reports. A corrective action date of July 31, 2024 has been set for items 1-3. A 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.

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.**

If you have any questions, please contact me at 720-836-0967 or at amber.gibson@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber M. Gibson".

Amber M. Gibson
Environmental Protection Specialist

Ec: Jared Ebert, DRMS