




# COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY COAL PROGRAM INSPECTION REPORT



## 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 Mark Haywood 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>	
<b>Operator Representative Signature:</b> (Field Issuance Only)	

## INSPECTION INFORMATION

<b>Inspection Start Date:</b> August 27, 2013 <b>Inspection Start Time:</b> 15:30 <b>Inspection End Date:</b> August 27, 2013 <b>Inspection End Time:</b> 18:30	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear
<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>  Leigh D. Simmons	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  August 30, 2013

**Inspection Topic Summary**

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

NA - Air Resource Protection

N - Availability of Records

NA - Backfill &amp; Grading

R - Excess Spoil and Dev. Waste

NA - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

N - Reclamation Success

R - Revegetation

NA - Subsidence

NA - Slides and Other Damage

NA - Support Facilities On-site

R - Signs and Markers

NA - Support Facilities Not On-site

NA - Special Categories Of Mining

N - Topsoil

**COMMENTS**

This was a complete inspection by Leigh Simmons of Colorado Division for Reclamation, Mining and Safety, (the Division). No representative of New Elk Coal Company (NECC) was present. The weather was fine, although the first three weeks of August were unusually wet.

Consistent with the format of recent inspection reports, items needing action that have not been noted before will be highlighted using bold text. Where possible, these items should be addressed before the next inspection.

Several permitting actions are in progress, these are detailed under the heading GENERAL MINE PLAN COMPLIANCE.

No work had taken place at the site since the last inspection, however NECC were preparing to send men and equipment down from the New Elk mine to Lorencito Canyon in order to address the erosion repair issues. In the meantime, the comments that were noted in the July inspection report still apply - please refer to that report.

**EXCESS SPOIL and DEVELOPMENT WASTE – Rule 4.09**

Placement; Drainage Control; Surface Stabilization:

Fills 7, 8 and 9 were stable, well drained and well vegetated.

**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 9 was discharging at a trickle. The embankment and spillways appeared to be in good order. The water level was too high to allow for any pond maintenance. The erosive gullies around the pond noted in the inspection report of July 23 had grown noticeably and new gullies had formed. Additionally, a gully to the west of the emergency spillway was noted. An old silt fence was visible; **this should be replaced to prevent further erosion.**

Culvert C3 was clear, but a gully had formed in the slope above where water had piped through the side of

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ditch D3 and “cut the corner”. The gully was in a bare patch of an otherwise well vegetated slope. **Repair of this erosion should be prioritized to prevent the problem growing more severe.**

Culvert C4 was almost completely blocked at the outlet and a large delta of sediment had formed at the inlet; **this culvert must be cleared.**

Ditches D7 and D7A were in good shape.

Pond 9A was holding water. The embankments and spillways appeared sound, the discharge was not inspected.

The erosion around the shrub plot was as in the previous month, although it looked as though the gas company may have done some grading of the road above.

Pond 6 was discharging by drips. The same erosion and sediment problems were observed around pond 6 as in July, although they had grown a little worse.

Pond 8 was discharging at a trickle. The spillways and embankment were sound, but some trash had accumulated in the third weephole of the riser.

Pond 5 was just discharging.

#### GENERAL MINE PLAN COMPLIANCE:

NECC is planning to hire vegetation sampling contractors imminently, in order to establish progress towards the standards needed for bond release.

At present two permitting actions are progress:

- RN3 - The Division is awaiting a response to the adequacy letter of July 16, 2013
- TR18 - The Division is awaiting a response to the adequacy letter of May 29, 2013

As noted in previous inspection reports, identification of the important features at the Lorencito Canyon site is a difficult task, exacerbated by the lack of a complete map or maps. This problem is being addressed by the permit renewal process (RN3).

The map(s) must clearly identify all features, but in particular:

- Roads and culverts that NECC is responsible for, and those that are maintained by third parties.
- Ponds, as identified on the NPDES permit (what has been referred to as “pond 9” in the DRMS permit is apparently “pond 9b” in the NPDES permit)

Until the permit renewal process is completed map 1 from the 2008 Annual Reclamation Report may be used for reference. In this inspection report some structures are referred to as they are labeled on the draft map for RN3.

#### 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):

Most roads are in adequate condition, but the road to pond 6 has deteriorated to the point where it is close to impassable. Since this road will be needed in order to access several slopes that require erosion repair, **it would be advisable to re-grade the road.**

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REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

The vegetation generally looked very good around the site. As would be expected, in areas with better vegetation, the erosion problems were far less severe.

SIGNS AND MARKERS – Rule 4.02:

Mine ID signs have been temporarily altered to bring them into compliance. As stated previously, new signs, or permanent alterations, are needed.

**DOCUMENTS RECEIVED**

N/A

**OTHER (SPECIFY)**

N/A

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**ENFORCEMENT ACTIONS/COMPLIANCE**

No enforcement actions are necessary at this time, although considerable maintenance is need at the site to avoid enforcement action in the future.

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**PHOTOGRAPHS**



Photo 1: Erosion below pond 9/9B



Photo 2: Old silt fence



Photo 3: Pond 9/9B – several erosion problems

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Photo 4: One of several growing gullies at pond 9/9B



Photo 5: New gully above C3



Photo 6: New gully above C3 from above

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