QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #1

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This pond is located West of the industrial building and serves as a mine water settling and water storage pond.

EMBANKMENT

1. Adequacy of the vegetative cover: Excellent [Moderate] Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: _____
5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? _____

PRINICIPAL SPILLWAY

1. Is the principal spillway system in working order? Yes X No
2. Is the inlet free of debris and restrictive material? Yes X No
3. Is the discharge outlet free of restrictive material? Yes X No
4. Is erosion occurring at the discharge outlet? Yes____ No X

Evaluate the severity: Extensive Moderate Just Starting None

NPDES ID. No.: 1

EMERGENCY SPILLWAY

1. Does it appear that the emergency spillway has discharged water since the last inspection?

   YES_____ NO__X__

2. Is erosion occurring at any section of the emergency spillway?

   YES_____ NO__X__

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES_____ NO__X__

   Explain: No sediment in pond

OTHER OBSERVATIONS

Pond liner is in good working condition at time of inspection. Pond was holding water at time of Inspection. The mine is putting water into the pond. Water level has not raised much since mining began in late May.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #4

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This sediment control pond lies west of the Development Waste Pile. The majority of run-off form this waste pile flows to this pond. It has never received sufficient inflow to discharge.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: _____
5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? _____

PRINICIPAL SPILLWAY

1. Is the principal spillway system in working order? Yes X No
2. Is the inlet free of debris and restrictive material? Yes X No
3. Is the discharge outlet free of restrictive material? Yes X No
4. Is erosion occurring at the discharge outlet? Yes____ No X

Evaluate the severity: Extensive Moderate Just Starting [None]

NPDES ID. No.: 4

EMERGENCY SPILLWAY

1. Does it appear that the emergency spillway has discharged water since the last inspection?

   YES_____ NO X

2. Is erosion occurring at any section of the emergency spillway?

   YES_____ NO X

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES_____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Pond is holding a very little amount water and is not close to discharging. Area around decant needs to be cleaned of vegetation.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Pond 6

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

Pond 6 is a non-discharging facility designed to contain plant processing water. The plant is operational but is sparingly placing water in the pond.

EMBANKMENT

1. Adequacy of the vegetative cover: Excellent [Moderate] Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes ____ No X
   - At the principal spillway inlet? Yes ____ No X
4. Erosion of the downstream toe of the embankment? Yes ____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes ____ No X

   Could this seepage cause potential instability? ____

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?
   YES ____ NO X

   Explain: No design capacity.

OTHER OBSERVATIONS

Pond is holding water, but it is not close to full.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #7

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This sediment control pond lies east of the preparation plant and pond #6. It receives run-off from the majority of the active surface facilities area lying south of State Highway 12.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes ____ No X
   - At the principal spillway inlet? Yes ____ No X
4. Erosion of the downstream toe of the embankment? Yes ____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes ____ No X

   Could this seepage cause potential instability? ____

PRINICIPAL SPILLWAY

1. Is the principal spillway system in working order? Yes X No ____
2. Is the inlet free of debris and restrictive material? Yes X No ____
3. Is the discharge outlet free of restrictive material? Yes X No ____
4. Is erosion occurring at the discharge outlet? Yes ____ No X

Evaluate the severity: Extensive Moderate Just Starting [None]

NPDES ID. No.: 7

EMERGENCY SPILLWAY

1. Does it appear that the emergency spillway has discharged water since the last inspection?

   YES_____ NO X

2. Is erosion occurring at any section of the emergency spillway?

   YES_____ NO X

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES_____ NO X

   Explain: Visual observation. Pond cleaned in early 2017.

OTHER OBSERVATIONS

Pond is holding water, not near the decant level. The pond is in good working condition.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #8

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This pond lies north of Highway 12 at the base of the refuse disposal area. The pond receives run-off form the refuse disposal area.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: _____
5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? _____

PRINICIPAL SPILLWAY

1. Is the principal spillway system in working order? Yes X No____
2. Is the inlet free of debris and restrictive material? Yes X No____
3. Is the discharge outlet free of restrictive material? Yes X No____
4. Is erosion occurring at the discharge outlet? Yes____ No X

Evaluate the severity: Extensive Moderate Just Starting None

NPDES ID. No.: 8

EMERGENCY SPILLWAY

1. Does it appear that the emergency spillway has discharged water since the last inspection?

   YES_____ NO X

2. Is erosion occurring at any section of the emergency spillway?

   YES_____ NO X

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES_____ NO X

   Explain: Visual observation. Sediment cleaned out in May 2018

OTHER OBSERVATIONS

Pond is holding water, not near the decant level. No new sediment has been deposited.

There is very little sediment in the pond.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk WP Containment #1

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This containment basin is a non-discharging facility designed to contain run-off from the West Portal Warehouse area.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability?____

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Containment area was holding water at the time of inspection. Not near top of embankment.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk WP Containment #2

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This containment basin is a non-discharging facility designed to contain run-off from the West Portal airshaft and manway areas.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? ____

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Containment was empty at time of inspection. There were signs of recent sediment and water in containment.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Containment #3

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This partially incised containment basin is a non-discharging facility designed to contain run-off from the area east of the RDA belt conveyor and south of Highway 12.

EMBANKMENT

1. Adequacy of the vegetative cover: Excellent [Moderate] Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? ____

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?

   YES____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Containment Area was dry at time of inspection.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Containment #4

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This partially incised containment basin is a non-discharging facility designed to contain run-off from the area west of the RDA belt conveyor and south of Highway 12.

EMBANKMENT

1. Adequacy of the vegetative cover: Excellent [Moderate] Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes ____ No X
   - At the principal spillway inlet? Yes ____ No X
4. Erosion of the downstream toe of the embankment? Yes ____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes ____ No X

   Could this seepage cause potential instability? No embankment, this is an incised containment basin.

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?
   YES ____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Containment Area was dry at time of inspection.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Containment #5

NPDES ID. No.: None

Inspection Period: Third Quarter 2021

Inspection Date: 9/20/2021

General Description or Reference to Site Plan:

This partially incised containment basin is a non-discharging facility designed to contain run-off from the RDA belt conveyor area north of Highway 12.

EMBANKMENT

1. Adequacy of the vegetative cover: [Excellent] Moderate Few Poor
2. Erosion forming Gullies: Extensive Some Few [None]
3. Is wave action causing erosion:
   - On the upstream embankment? Yes____ No X
   - At the principal spillway inlet? Yes____ No X
4. Erosion of the downstream toe of the embankment? Yes____ No X

   Cause of erosion can be attributed to: ____

5. Is seepage occurring through the dam? Yes____ No X

   Could this seepage cause potential instability? No embankment, this is an incised containment basin.

SEDMIMENT STORAGE CAPACITY

1. Has the design storage capacity of the reservoir been surpassed?
   YES____ NO X

   Explain: Visual observation.

OTHER OBSERVATIONS

Containment Area was holding water. Sediment was cleaned in quarter 2 of 2020.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT
New Elk Mine- September 20, 2021

Pond 1

Pond 4

Pond 6

Pond 7

Pond 8

Containment Area #3

Containment Area #4

Containment Area #5

Certification

This inspection was conducted by Vince Massarotti, a qualified professional and MSHA certified inspector of earth and rock-fill embankments, waste banks and impoundments, under the direction of Mr. Steve Miller a registered professional engineer licensed in the State of Colorado.

This is to certify, to the best of my knowledge and belief, that maintenance, since the previous certification and as determined during this inspection and discussions with mine personnel, is in accordance with designs as approved by the Division of Reclamation, Mining and Safety.

Vince Massarotti — Inspector

9-25-2021 — Date

Steve Miller 33573 — Professional Engineer

09/25/2021 — Date

COLORADO REGISTERED STEPHEN L. MILLER 33573 PROFESSIONAL ENGINEER 09/25/2021

Inspections completed in compliance with Rule 4.09.1(11)(b) must be submitted to the Division within two weeks of completion.