



U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program



1. Permittee/Person MOUNTAIN COAL COMPANY LLC		9. Permit Number C80007	10. Permit Type PP
2. Address ONE CITYPLACE DR., STE 300		11. Field Visit Date 7/14/2022 <small>mm - dd - yyyy</small>	12. Purpose OBI
3. City ST LOUIS		13. SRA Present Y	
4. State MO		14. Permit Status A	15. Site Status AP
5. Zip Code 63141	6. Phone Number (314) 994-2949	16. Facility Type B	
7. Operator Name, if Different than Permittee MOUNTAIN COAL COMPANY LLC		17. OSM Office # 141	18. CCID #
8. Mine Name WEST ELK		19. Land Code F	
		20. M.S.H.A. ID # 05-03672	21. State Abbrev. CO
		22. County/Burrough GUNNISON	
		23. AVS Permittee Entity ID Number 145596	24. State Office

25. Hours

2.0	a. Permit Review
9.0	b. Site Visit Time
6.0	c. Travel Time
10.0	d. Report Writing

26. Signature Block

Signature:
Daniel MacKinnon, ID#554
Inspector's Name:
Date: **8/15/2022**

27. Reviewing Official:

Signature:
Howard Strand
Reviewer's Name:
Date: **8/15/2022**

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight
Axx...Assistance

RFx...Reclamation Fees
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)
CC...Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.
BR Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.
AP Active Coal Producing: Coal surface mining activities are occurring.
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.
P2 Phase II Release: At least Phase II bond release for the entire permitted area.
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.
FR Forfeited and Reclaimed: Forfeiture reclamation completed.
FO Abandoned Site: Abandoned site that is permitted but there is no bond.
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface
B...Underground
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)
E...Refuse and/or Impoundment
F...Loading Facility and/or Tipple
G...Stockpiles

H...Exploration Permits
I...Notice of Intent to Explore
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/
Person **MOUNTAIN COAL COMPANY LLC**

Permit
Number **C80007**

Field Visit
Date **7/14/2022**

State Program
Continuation Page

28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

A. Administrative

1. ☐ Mining within Valid Permit
2. ☐ Mining within Bonded Area
3. ☐ Terms & Conditions of Permit
4. ☐ Liability Insurance
5. ☐ Ownership and Control
6. ☐ Temporary Cessation
7. ☐ AML Rec. Fees - Non-Respondent
8. ☐ AML Rec. Fees - Failure to Pay

B. Hydrologic Balance

1. ☒ Drainage Control
2. ☐ Inspections & Certifications
3. ☐ Siltation Structures
4. ☒ Discharge Structures
5. ☐ Diversions
6. ☐ Effluent Limits
7. ☐ Ground Water Monitoring
8. ☐ Surface Water Monitoring
9. ☐ Drainage - Acid-Toxic Materials
10. ☐ Impoundments
11. ☐ Stream Buffer Zones

C. Topsoil & Subsoil

1. ☐ Removal
2. ☐ Substitute Materials
3. ☐ Storage and Protection
4. ☒ Redistribution

D. Backfilling & Grading

1. ☐ Exposed Openings
2. ☐ Contemporaneous Reclamation
3. ☒ Approximate Original Contour
4. ☐ Highwall Elimination
5. ☐ Steep Slopes (includes downslope)
6. ☐ Handling of Acid and Toxic Materials
7. ☒ Stabilization (rills and gullies)

E. Excess Spoil Disposal

1. ☐ Placement
2. ☐ Drainage Control
3. ☐ Surface Stabilization
4. ☐ Inspections & Certifications

F. Coal Mine Waste (Refuse Piles/Impoundments)

1. ☐ Drainage Control
2. ☐ Surface Stabilization
3. ☐ Placement
4. ☐ Inspections & Certifications
5. ☐ Impounding Structures

G. Use of Explosives

1. ☐ Blaster Certification
2. ☐ Distance Prohibitions
3. ☐ Blast Survey/Schedule
4. ☐ Warnings & Records
5. ☐ Control of Adverse Effects

H. ☐ Subsidence Control Plan

I. Roads

1. ☐ Road Construction
2. ☐ Certification
3. ☐ Drainage
4. ☐ Surfacing and Maintenance
5. ☐ Reclamation

J. Signs & Markers

1. ☐ Signs
2. ☐ Markers

K. ☐ Distance Prohibitions

L. Revegetation

1. ☐ Vegetative Cover
2. ☐ Timing

M. ☐ Postmining Land Use

N. Other

General
Performance
Category

Performance Standard Categories 30 CFR Counterparts

A. Administrative

- | | |
|-----------------------------------|-------------------------|
| 1. Valid Permit | 773.11 |
| 2. Mining within Bonded Area | 773.11 |
| 3. Terms & Conditions of Permit | 773.17 |
| 4. Liability Insurance | 800.60 |
| 5. Ownership and Control | 778.13 |
| 6. Temporary Cessation | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b) |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a) |

B. Hydrologic Balance (816/817.41-57)

- | | |
|-------------------------------------|-----------|
| 1. Drainage Control | 45 |
| 2. Inspections & Certifications | 49(a)(10) |
| 3. Siltation Structures | 46 |
| 4. Discharge Structures | 47 |
| 5. Diversions | 43 |
| 6. Effluent Limits | 42 |
| 7. Ground Water Monitoring | 41(c) |
| 8. Surface Water Monitoring | 41(e) |
| 9. Drainage--Acid - Toxic Materials | 41(f) |
| 10. Impoundments | 49 |
| 11. Stream Buffer Zones | 57 |

C. Topsoil & Subsoil (816/817.22)

- | | |
|---------------------------|-------|
| 1. Removal | 22(a) |
| 2. Substitute Materials | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution | 22(d) |

D. Backfilling & Grading (816/817.95-107)

- | | |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation | 100 |
| 3. Approximate Original Contour | 102(a)(1) |
| 4. Highwall Elimination | 102(a)(2) |
| 5. Steep Slopes (includes downslope) | 107 |
| 6. Handling of Acid & Toxic Materials | 102(c) |
| 7. Stabilization (rills and gullies) | 95(b) |

E. Excess Spoil Disposal (816/817.71-74)

- | | |
|---------------------------------|-------|
| 1. Placement | 71(e) |
| 2. Drainage Control | 71(f) |
| 3. Surface Stabilization | 71(g) |
| 4. Inspections & Certifications | 71(h) |

F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)

- | | |
|-----------------------------------|-------|
| 1. Drainage Control | 83(a) |
| 2. Surface Stabilization | 83(b) |
| 3. Placement | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures | 84 |

G. Use of Explosives (816/817.61-68)

- | | |
|-------------------------------|---------|
| 1. Blaster Certification | 61(c) |
| 2. Distance Prohibitions | 61(d) |
| 3. Blast Survey/Schedule | 62-64 |
| 4. Warnings & Records | 66 & 68 |
| 5. Control of Adverse Effects | 67 |

H. Subsidence Control Plan (817.121-122)

I. Roads (816/817.150-151)

- | | |
|------------------------------|---------------|
| 1. Road Construction | 150(c) |
| 2. Certification | 151(a) |
| 3. Drainage | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation | 150(f) |

J. Signs & Markers (816/817.11)

- | | |
|------------|-----------------------|
| 1. Signs | 11(a),(b),(c) |
| 2. Markers | 11(a),(b),(d),(e),(f) |

K. Distance Prohibitions (761.11)

L. Revegetation (816/817.111-116)

- | | |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing | 113 |

M. Postmining Land Use (816/817.133)

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
N - Minor Occurrence
D - Moderate Occurrence
J - Major Occurrence

MINE SITE INSPECTION NARRATIVE

COMPANY: Mountain Coal Company, LLC

MINE: West Elk Mine

PERMIT NO: C-1980-007

DATE OF INSPECTION: July 14, 2022

WEATHER: Hot and dry.

Company Official (i.e. operator's representative): Garren Atchley

Division of Reclamation, Mining and Safety (DRMS) Official: Leigh Simmons

Bureau of Land Management Official: None

U.S. Forest Service Official: Dan Gray

OSMRE Official: Dan MacKinnon (badge #554)

Overview

This bond release inspection focused on the approximately 7.65 acres of parcels under consideration for Phase I bond release detailed in the operator's SL-15 bond release application. The sites include Mine Ventilation Boreholes and associated pads and roads in the Dry Fork of the Minnesota Creek Area. For the purposes of Phase I bond release, the group found no issue with the lands within the application; however, several sites had large populations of undesirable plant species (e.g. Canada and Musk thistle, cheatgrass) and sparse establishment of desired species. The operator and DRMS agreed to coordinate and ensure that the sites' vegetation is well monitored and appropriate action is taken to ensure the establishment of desired vegetation.

Application Review

OSMRE reviewed the application, including a notarized professional engineer's certification that the reclaimed areas in this application were: backfilled and reclaimed to approximate original contour; drainages were reestablished, including drainage profiles; and drainage control has been established in accordance with the approved reclamation plan. Other forms reviewed included well abandonment reports and letters to interested parties. No issues were noted.

Inspection

The parcels totaling approximately 7.65 acres under consideration for bond release were graded, topsoiled, and seeded in 2020 and 2021. All sites were stable and some desirable vegetation was established including western wheatgrass, yarrow, penstemon, mint, wild rose, and snowberry (Figures 1 and 2). Several sites, however, had considerable undesirable plant species (e.g.

cheatgrass, Canada and Musk thistles, mallow, and an overabundance of weedy annual mustards: Figures 3 and 4) and bare ground (Figure 5). While these vegetation issues are a concern, they do not factor into the determination of Phase I bond release. As all sites were stable and well-tied into the surrounding lands at the time of inspection, Phase I release is appropriate. The operator and DRMS agreed to coordinate to ensure the vegetation issues are addressed and progress is made to establish a diverse and effective vegetative community appropriate for subsequent bond releases.

The sites inspected were: SS1-1, SS1-2, SS1-3, SS1-3 road, SS1-4, SS1-5, SS1-7, SS1-7 road, SS2-3, SS2-3 road, SS2-5, SS2-5 road, E7-6, E8-6, E8-6 road, E7-8, E7-8 road, E7-9, and E7-9 road.

Conclusion

OSMRE concludes that Phase I bond release is appropriate, barring any change in conditions before bond release is officially approved.



Figure 1 - An example of a typical pad reclamation within this bond release application. Overall, these sites were stable with some desirable vegetation established at the time of inspection.



Figure 2 - A typical road reclamation within this bond release application. These sites were stable with some desirable vegetation established at the time of inspection.



Figure 3 - An example of a stable pad with an overabundance of cheatgrass (brown and senesced vegetation), an undesirable plant species.



Figure 4 - An example of an overabundance of annual mustards (tall yellow-flowering plants) at a stable pad within this bond release review.



Figure 5 - An example of the bare ground (foreground) occasionally found within the site under consideration for bond release. All sites were stable at the time of inspection.