QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #1

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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. No issues observed.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #4

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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 was water at the time of inspection, not near the discharge level. No Issues observed.

Water has been pumped into the pond recently from pond 7 and pond 6.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #7

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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 at time of inspection, water is being pumped to pond 4. No issues observed.

No discharges have occurred.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk

NPDES ID. No.: Pond #8

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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 significant water and is planned to be pumped down in the near future. The water Level is about 7 to 8 feet below the decant. No discharges have occurred and No issues found during the inspection.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Pond 6

NPDES ID. No.: None

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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 at time of inspection, Water is being pumped to pond 4.

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 2023

Inspection Date: 9/8/2023

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 was holding water at the time of inspection.

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 2023

Inspection Date: 9/8/2023

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.

QUARTERLY SEDIMENTATION POND INSPECTION REPORT

CDMR Rule 4.05.9(17)

Mine: New Elk Containment #3

NPDES ID. No.: None

Inspection Period: Third Quarter 2023

Inspection Date: 9/8/2023

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 2023

Inspection Date: 9/8/2023

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 2023

Inspection Date: 9/8/2023

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. It was cleaned in 2022 and will need to be cleaned of sediment in the coming months.

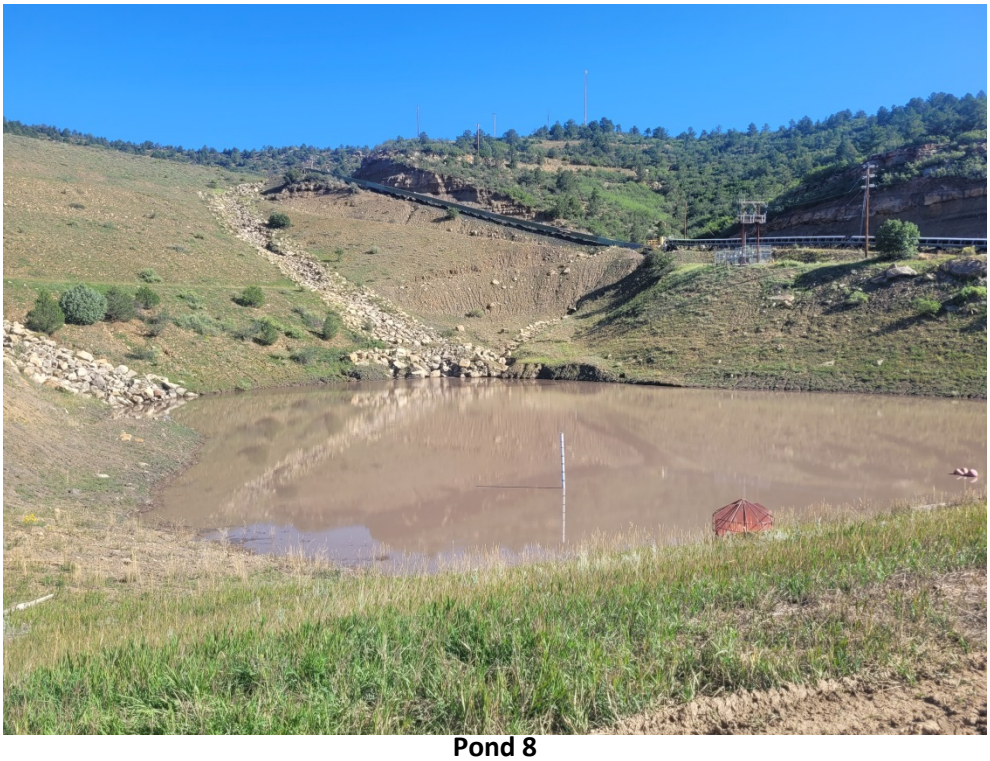
March Inspection Report
New Elk Mine- September 8, 2023

Pond 1 looking West

Pond 1 looking East

Pond 4

Pond 7

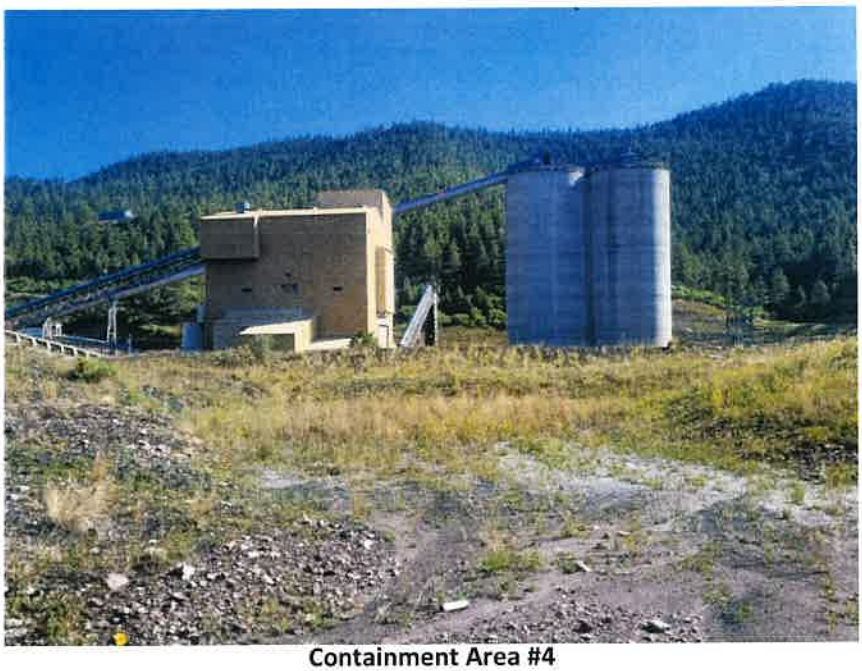


Pond 8

Containment Area #1

Containment Area #2

Containment Area #3



Containment Area #4

Containment Area #5

Certification

This inspection was conducted by John Terry, a qualified professional and MSHA certified inspector of earth and rock-fill embankments, waste banks and impoundments.

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.

John Terry — Inspector

9/13/23 — Date

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