



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



1. Permittee/Person TWENTYMILE COAL LLC		9. Permit Number C-82-056		10. Permit Type PP	
2. Address 701 MARKET STREET SUITE 718		11. Field Visit Date 5/2/2023 <small>mm - dd - yyyy</small>		12. Purpose OP	
3. City ST. LOUIS		14. Permit Status A		15. Site Status AP	
4. State MO		16. Facility Type B		13. SRA Present Y	
5. Zip Code 63101		17. OSM Office # 140		18. CCID # 	
6. Phone Number (314) 342-7705		19. Land Code F		20. M.S.H.A. ID # 05-03836	
7. Operator Name, if Different than Permittee TWENTYMILE COAL LLC		21. State Abbrev. CO		22. County/Burrough ROUTT	
8. Mine Name FOIDEL CREEK		23. AVS Permittee Entity ID Number 249995		24. State Office 	
25. Hours 10.0 a. Permit Review 4.0 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: 5/18/2023		27. Reviewing Official: Signature: Howard Strand Reviewer's Name: Date: 5/18/2023	
Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit					
Purpose Type Codes - Item 12 Oxx...Oversight Rfx...Reclamation Fees CCR...Citizen Complaint Referral (non-site visit) Axx...Assistance Fxx...Federal Actions 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 D...Ancillary (Haulroad, Conveyor, and/or Rails) H...Exploration Permits K...Government Financed Construction Exemption B...Underground E...Refuse and/or Impoundment I...Notice of Intent to Explore L...Remining site permitted under 30 CFR 785.25 C...Preparation Plant F...Loading Facility and/or Tipple J...Exempt 16 and 2/3 G...Stockpiles					
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).					

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Permit
Number C-82-056

Field Visit
Date 5/2/2023

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 |

Denver Field Branch Inspection Narrative

Permittee:	Twentymile Coal, LLC
Facility:	Foidel Creek Mine
Permit No:	C-82-056
Date of Inspection:	May 2, 2023
Inspection Type:	Partial Oversight
Weather:	Sunny, temperate, ground conditions wet with melting snow
Representative(s):	Miranda Kawcak
DRMS:	Hunter Ridley
OSMRE Official(s):	Dan MacKinnon (Badge #554)

Background

This was a partial oversight inspection focused on ponds and facilities (Figure 1). Although snow melt had commenced for the year, we were still not able to access some areas due to flooding and soft ground conditions.

Stoker Loadout Building

An issue with proper sediment control and drainage, first recorded by DRMS in their June 16, 2022, inspection report, still exists. The June 16, 2022 inspection report describes the issue in general terms, showing two pictures of the sediment jumping a retaining wall that separates the loadout from the Foidel Creek drainage as; "...runoff that is not adequately being captured from disturbed areas." The subsequent July 27, 2022, DRMS inspection report repeats this determination and requires the operator to provide the site with adequate temporary sediment control. DRMS found the site to be unimproved according to the August 17, 2022, inspection report and required the operator to inform the Division how the grading/sediment control issue will be corrected by September 30, 2022. DRMS's September 17, 2022 confirmed the operator had taken steps to correct the problem, and subsequent inspection reports have provided more detail and photographs to support this determination.

At the time of inspection control measures were installed and providing some protection against sediment reaching the Foidel Creek including:

- hay bales (Figure 2),
- silt fencing (Figure 3), and
- an open ditch leading to a drainpipe that directs flow to a pump house that sends it into Pond E.

With the current system there is evidence that flow continues to reach the stream buffer zone, as it does not appear that sediment control measures are placed around the entire disturbance (Figure 4). The operator plans to improve this system by coating the inside of the loadout with a spray-on lining and connecting a drainpipe directly to the pumphouse to prevent uncontrolled leaks of wash water and sediment from exiting the loadout building. Upon further analysis OSMRE recommends that the operator ensure any additional flow from this area be directed to ponds designed to accept this flow and to ensure that any existing coal and non-coal waste and sediment controls (e.g. the silt fence in Figure 3, in need of repair or removal) be safely removed from the Foidel Creek drainage. OSMRE will follow up with DRMS to ensure the full function of this system as described in the permit.

The following ponds were stable, holding water, and functional at the time of inspection: 6MN, Pit (Figure 5), D, and G. All but Pond 6MN were discharging during the inspection.

All roads were noted as stable and fully functional at the time of inspection, although the operator stated the roads known to be unstable were avoided during this inspection due to safety concerns.

The refuse pile upslope of the facilities area was active at the time of inspection; haul trucks were dumping refuse in a safe and organized manner.

We toured the 6NM pad area and found it to be stable at the time of inspection.

Programmatic compliance

No OSMRE enforcement actions were taken as a result of this inspection, nor are any pending.



Figure 1 - An overview picture of a section of the facilities: overall, the site was stable at the time of inspection



Figure 2 - Hay bales providing temporary protection against sediment from the stoker coal loadout flowing into the Foidel Creek drainage.



Figure 3 - Silt fence installed to prevent sediment from the stoker coal loadout from reaching Foidel Creek. This fence is in need of repair or removal, and the sediment requires removal.



Figure 4 - An area of the stoker coal loadout that suggests flow is still escaping the sediment control system. Coal fines located beyond the hay bales at a location of significant erosion behind the retaining wall (yellow arrows) are also not currently sequestered behind any sediment control (red arrow).



Figure 5 - Pit Pond: stable, holding water, draining, and fully functional at the time of inspection.