

STATE OF
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Inspection Report, Foidel Creek Mine, C-1982-056

1 message

Ridley - DNR, Hunter <hunter.ridley@state.co.us>
To: "Kawcak, Miranda" <mkawcak@peabodyenergy.com>

Mon, Dec 18, 2023 at 7:48 AM

Miranda,

Please see attached the Division's report for the December complete inspection of the Foidel Creek Mine. Let me know if you have any questions.

Best,
Hunter Ridley (she/her/hers)
Environmental Protection Specialist I



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources

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PERMIT INFORMATION

Permit Number: C-1982-056 Mine Name: Foidel Creek Mine Operator: Twentymile Coal, LLC Operator Address: Ms Miranda Kawcak 29515 Routt County Road No. 27 Oak Creek, CO 80467	County: Routt Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: Miranda Kawcak
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: December 12, 2023 Inspection Start Time: 11:00 Inspection End Date: December 12, 2023 Inspection End Time: 13:15		Inspection Type: Coal Complete Inspection Inspection Reason: Normal I&E Program Weather: Clear	
Joint Inspection Agency: None		Joint Inspection Contacts: 	
Post Inspection Agency: None		Post Inspection Contacts: 	
Inspector(s): Hunter Ridley	Inspector's Signature: <i>Hunter Ridley</i>		Signature Date: December 18, 2023

Inspection Topic Summary

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

N - Air Resource Protection

R - Availability of Records

N - Backfill & Grading

R - Excess Spoil and Dev. Waste

N - Explosives

Y - Fish & Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

R - Roads

Y - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

Y - Support Facilities On-site

R - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

R - Topsoil

COMMENTS

This was a complete inspection of the Foidel Creek Mine; DRMS Permit No. C-1982-056, operated by Twentymile Coal, LLC. (TC). This inspection was conducted by Hunter Ridley with the Colorado Division of Reclamation, Mining, and Safety (Division). Miranda Kawcak of TC accompanied the inspection. **Please address the Bold items below.**

In an effort to ensure that all reclamation tasks are appropriately bonded for, the Division is currently in the process of collecting field data in an effort to ground truth and update on-site conditions at the Foidel Creek Mine. Data collection will continue to be collected over a number of inspections. Final data collection and recalculation of the financial warranty will be completed by July of 2024.

AVAILABILITY OF RECORDS – Rule 5.02.4(1): Records were checked at the mine office. See details at the end of report. Records can be made available to the public through paper or electronic copy. Currently, records located at the mine office are in both forms. However, in the event that the computer which holds the files is not accessible, e.g. the operator is not present to login and access records, Rule 5.02.4 would not be able to be followed. **Therefore, the Division requests that all records be made available in paper form.** Exceptionally large reports and records, delineated by three asterisks on the records form, have been allowed to be kept digitally. **Please update items highlighted on the attached records form.**

SIGNS AND MARKERS—Rule 4.02

Mine identification markers were observed throughout the site (Photo 1). All information for compliance was present across all signs.

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):

Haul roads throughout the site were plowed, navigable, and well maintained.

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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:

Ponds were checked for discharge and culverts were inspected for function. TC should continue to clean out culverts when vegetation and sediment hinders function. A sample of ponds and discharge points are represented in Photos 2, 4, 5, 7, 9, and 12.

Location	Holding water	discharging	source	goes to	notes
6MN Reservoir	Y	N	mine water	Recirculates mine water. Does not have a discharge pt.	
6MN ventilation shaft sed pond	Y	N	pad runoff		Usually not flowing
6MN wetlands	Y	N	Underground dewatering	6MN reservoir	Water from ponds is pumped to the 6MN reservoir, no discharge is currently approved at this site. Wetlands do not operate in Winter months
Fish Creek Tipple pond	Y	Y	Reclaimed tipple	Fish creek	Usually always flowing
Fish Creek Borehole	Y	N	mine water (w/ flock added)	Fish creek (site 115)	3 cell pond, discharge at site 115 triggers additional sampling requirements.
18LT vent shaft ponds	N	N	pad		Pad is not active
Pond F	N	N	runoff from facilities	Foidel creek	
Pond G	N	N	Surface Runoff from laydown Area	Foidel creek	Generally dry except in the Spring

Pond E	Y	Y	Facilities and roads	Foidel creek	Stoker building will drain here after it has been sealed
Area No. 1 Pond (Pit Pond)	Y	Y	mine, sumps, diversion dich	Pond D	
Pond D	Y	Y	Wash plant facilities, pit pond	Foidel creek	Catches overflow from adjacent Pit Pond, is a

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					discharge point for mine water
Pond B	Y	Y	Bob pile, road	Foidel creek	Cleaned Fall 2023
Pond C	N	N	facilities		Generally dry
Pond T	N	N	laydown area	Foidel creek	v-notch weir, culvert under railway always trickling
Facility Treatment ponds	Y	Y	facilities water	GW discharge	Currently approved to go to the million gallon tank. Revision is needed to update PAP.
Stream buffer zone @ train load-out	NA	NA	Buffer marked by barrels and sign.		Buffer zone was being maintained at Feb 2023 inspection. Buffer zone needs to continue to be protected from winter plowing, mag chloride, and coal overflow from train.

Main Facilities Area

Storage areas were being organized and excess equipment was being stored away for the winter season (Photo 3). The Stoker Coal Loadout building which was sealed in late 2023 to correct a water leakage issue is still sealed well and functioning properly. BMPs installed as part of this corrective action are still in place, though in need of repair (Photo 6). Please ensure these BMPs remain functional throughout the winter season. This has been added as a maintenance item. No coal spills were observed in front of the loadout building.

6MN and Passive Treatment System Project Areas

The Passive Water Treatment Plant has been turned off for the winter months. The small weather station and experimental device which were set up in and on the 6 MN Reservoir have been removed (Photo 12). These were being utilized by a university to collect climactic and water level data. The blower fans in this area which bring heat down to the mine workings have been turned on for the winter season.

Tipple Area & Fish Creek Borehole

The Tipple Area and Fish Creek borehole is generally unused. The 9 East Exhaust Blower Pad and reclaimed 18 Right borehole were inspected in this area and found to be free of any issues. (Photo 13). The Fish Creek ponds are functioning properly (Photo 14).

TOPSOIL – Rule 4.06

Topsoil piles contained appropriate markers. Special care should be taken in the winter months to ensure that topsoil piles are protected from snow plowing activities. This has been added as a maintenance item.

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EXCESS SPOIL AND DEV. WASTE – Rule 4.09 Placement; Drainage Control; Surface Stabilization:

Compaction of refuse material continues (Photos 8, 10 and 11). Lifts three and four are under construction. Lifts are built facing downslope to encourage proper drainage into Pond D. Clay overburden material is then taken from the southern portion of the refuse area to cover the pile before adding topsoil from the nearby stockpile to the northeast.

Compaction reports are conducted quarterly. As per the last inspection request (dated November 14, 2023), the Division has received a majority of the missing compaction reports need to complete the public record. The following reports still need to be submitted: 3rd Quarter 2021 and 2nd Quarter 2023. **Please submit all missing compaction reports through e-permitting to the Division and continue to submit these reports on a timely basis.**

COAL EXPLORATION – Rule 4.21

Exploratory drilling approved under MR323 has concluded at the site. In total, six exploratory core holes were drilled. One drill pad was reclaimed this late fall season, while the others will be reclaimed next spring.

GENERAL MINE PLAN COMPLIANCE:**Ongoing Maintenance Items:**

- Protect topsoil piles throughout the site during maintenance and snow plowing activities in the winter months
- Ensure BMPs near the Stoker Coal Loadout area are maintained and replaced as needed throughout the winter season.

ENFORCEMENT ACTIONS/COMPLIANCE

No enforcement actions were initiated as a result of this inspection. There is one enforcement action pending with the Division. The Notice of Violation CV-2023-002 was serviced to TC on November 21, 2023. The Civil Penalty Assessment was serviced to TC by certified mail on December 13, 2023. The current abatement due date is **December 21, 2023**.

Infraction Number: CV2023002

Inspection Date: October 12, 2023

Date Issued: November 21, 2023

Primary Topic: Permit Stipulations

Description: Failure to follow the approved Permit Stipulation No. 67 within the required timeframe. Failure to provide a description of the cultural and historic resources affected by planned or probable subsidence over the life of the mine pursuant to Rule 2.04.4. Failure to conduct the stipulated surveys to ensure that accurate maps or plans clearly show all significant known archaeological sites pursuant to C.R.S 34-33-110(2)(n). Failure to conduct the stipulated surveys which ensure that mining activity will not adversely affect any place included in the national register of historic sites pursuant to C.R.S. 34-33-114(g)(III), Rule 2.07.6(2)(e)(i), and Rule 2.02.4(3)(c).

Abatement #: 1

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Abatement Due Date: 12/21/2023

Abatement Description: The Operator must complete a supplemental cultural resource survey for the expansion area of panel 7 Right LW Panel 3 (7 East Panel) to satisfy the concerns/obligations of the Office of Archaeology and Historic Preservation. The survey must be submitted to the Division in the form of a Minor Revision (MR) to be incorporated into the PAP.

PHOTOGRAPHS



Photo 1: Mine signage located at the site entrance.

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Photo 2: View northeast of Pond G, not discharging.



Photo 3: View west of an equipment storage area and the million-gallon tank.

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Photo 4: View east of Pond F, not discharging.

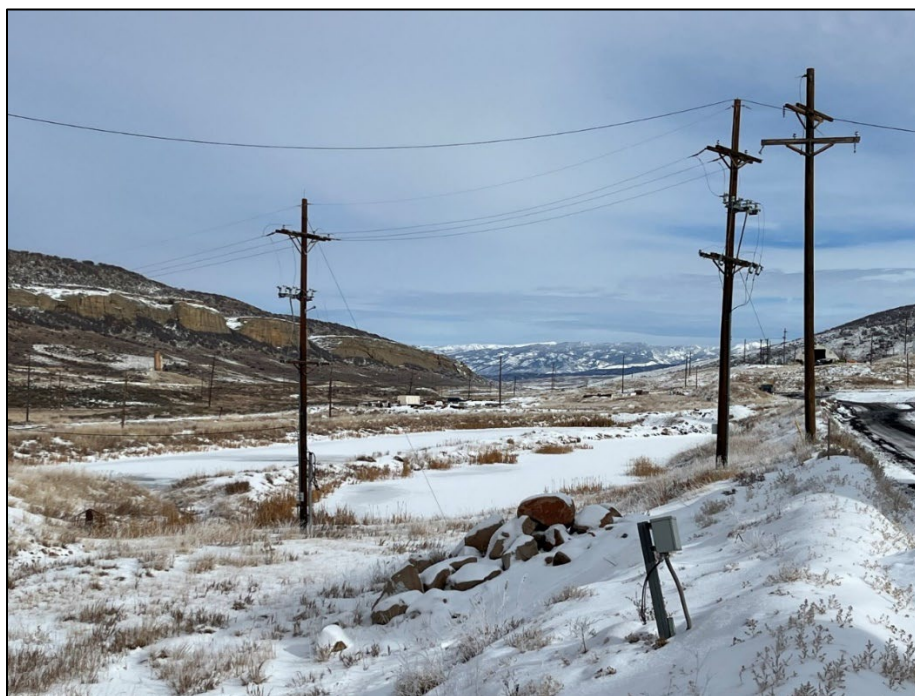


Photo 5: View north of Pond E, discharging.

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Photo 6: View south of the Stoker Loadout Building and Foidel Creek Buffer Zone.



Photo 7: Water sample collection point for Pond D.

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Photo 8: View south of the refuse pile as viewed from below in the Main Facilities area.



Photo 9: View south of Ponds B, discharging.

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Photo 10: View east atop the refuse pile.



Photo 11: View northwest atop the refuse pile, refuse material continues to be piled in the winter months.

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Photo 12: View east of the 6 MN Reservoir.



Photo 13: View east of the 9 East Exhaust Blower Pad.

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Photo 14: View east of the Fish Creek Borehole ponds.

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	Exp 5/23/2028
Permit Application w/Revisions	Update with MR323
Findings Document	RN8
Insurance Certificate	Exp 08/01/2024
Bond Document	***\$13,260,344
Phased Bond Release Documents/Findings	***SL1
Air Emission Permits	*93RO1204
County Special Use Permits	Exp 8/26/2024
UG Mining Landowner Notification	05/10/2016 (Rule 4.20.2)
Subsidence Monitoring Reports	3Q2023 next due Annual on 3/1
Subsidence Monitoring Data	3Q2023 next due Annual on 3/1
Rill & Gully Survey	NA
Vegetation Monitoring Data	NA
Specific Variance Approvals	NA
Annual Reclamation Reports	***2022
Midterm Review Documents	***MT8
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through March 2022 NOV CV-2023-002
Transfers/Succession of Operator	NA
Temporary Cessation Notification	NA
Reclamation Cost Estimate	***MR322
CERTIFICATIONS	
Pond Certifications	***3Q 2022
Annual Certifications for Large Impoundments	2022
Fill Certifications for Excess Spoil or Underground Development Waste	3Q2023
• Quarterly Inspections	3Q2023
• Compaction Testing	3Q2023
• Final Certification	NA

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NPDES Permit	**In review, OK
NPDES Records	*** August 2022
Stormwater Management Plan	2013 (will be updated w/new discharge permit)
SPCC Plan	2021
MSHA Pond Inspections	3Q 2021
State Engineer's Pond Inspection	NA
Quarterly Pond Inspections	***2Q2023
Annual Hydrology Reports	***2022
• Ground Water Monitoring	AHR
• Surface Water Monitoring	AHR
• Spring & Seep Monitoring	AHR
• Mine Water Discharge Monitoring	AHR
• Mine Inflow Study	AHR
• Water Consumption Records	AHR
Well Permits	OK, wells not permanent

BLASTING RECORDS

Blasting Publication	NA
Blasting Records (3 years)	NA
ATFE Explosives Permit	Exp 9/1/2023
Blasting Variances	NA
Pre-Blast Surveys	NA

ADDITIONAL RECORDS (specify)

Colo. 811-02 CO Radioactive Materials license	Exp. 10/31/23
Stormwater Annual CLR permit	***Feb 2021 (2022 due 2/15/2023)
County special use permit	Exp. 8/2024

Coal Processing Waste Banks
Haul Road Certifications
Access Road Certifications

3Q2023
***OK
NA

PP2014-035

COMMENTS:

* – Air Emissions Permit is issued dated January 31st 2019 and expires in 5 years from date (2024) APEN received by the CDPHE.

** - Discharge Permits – COG850051 exp 6/30/2013, COG850054 exp 6/30/2013, COG0042161 exp 6/30/2012, CO0027154 exp 8/31/2012, CO0036684 exp 4/30/2012 New permits (2022 updates) comments in CDPHE review

***A majority of larger records documents are kept digitally in a publically available computer at the site office.

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