




# COLORADO DIVISION OF RECLAMATION, MINING AND SAFETY COAL PROGRAM INSPECTION REPORT



## PERMIT INFORMATION

<b>Permit Number:</b> C-1981-033 <b>Mine Name:</b> Bear Mine <b>Operator:</b> Bear Coal Company, Inc. <b>Operator Address:</b> Mr Daniel Bear P.O. Box 1754 Somerset, CO 81428	<b>County:</b> Gunnison <b>Operation Type:</b> Underground <b>Permit Status:</b> Permanent Cessation <b>Ownership:</b> Federal
	<b>Operator Representative Present:</b>  None Present
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

## INSPECTION INFORMATION

<b>Inspection Start Date:</b> January 9, 2013 <b>Inspection Start Time:</b> 12:30 <b>Inspection End Date:</b> January 9, 2013 <b>Inspection End Time:</b> 12:50	<b>Inspection Type:</b> Coal Partial Inspection <b>Inspection Reason:</b> Normal I&E Program <b>Weather:</b> Clear
<b>Joint Inspection Agency:</b>  None	<b>Joint Inspection Contacts:</b>  
<b>Post Inspection Agency:</b>  None	<b>Post Inspection Contacts:</b>  
<b>Inspector(s):</b>  Susan L. Burgmaier	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  01/11/2013

**Inspection Topic Summary**

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

N - Air Resource Protection

N - Availability of Records

N - Backfill &amp; Grading

NA - Excess Spoil and Dev. Waste

NA - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

NA - Other

NA - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

Y - Slides and Other Damage

Y - Support Facilities On-site

Y - Signs and Markers

NA - Support Facilities Not On-site

NA - Special Categories Of Mining

N - Topsoil

**COMMENTS**

This was a partial inspection of the Bear No. 3 Mine conducted by Susan Burgmaier of CDRMS. Weather conditions at the time of the inspection were clear and cold; there was approximately 8" of snow on the ground. Snow on the access road and bridge prohibited access to the site beyond the west end of the bridge. Snow cover on the bridge made it impossible to see the sections where the bridge is out, creating a pedestrian safety hazard and precluding access to the remainder of the permit area.

The permit for the site expired on July 19, 2012, when the operator declined to apply for renewal. The Division issued Notice of Violation No. CV-2012-009 on December 18, 2012, for failure to obtain a valid permit and failure to complete reclamation in compliance with the terms of the permit. Abatement of the violation required the submittal of a renewal application no later than December 31, 2012. The notice was received by the operator on December 27, 2012. As of January 11, 2013, the Division has not received an application for renewal of the permit. Accordingly, the Division is issuing Cessation Order No. C-2013-001, for failure to abate Notice of Violation No. CV-2012-009.

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:

The spring from the portal areas was flowing to the North Fork of the Gunnison River. Flow rate was not determined due to inability to access the site. The treatment pond held water and was covered with ice and snow. The sediment pond appeared to be dry.

**GENERAL MINE PLAN COMPLIANCE:**

The operator does not hold a valid permit for the site, as discussed above. Enforcement actions are pending.

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 2

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):

The access road into the site was covered with approximately 8” of snow.

### **ENFORCEMENT ACTIONS/COMPLIANCE**

Cessation Order No. CO-2013-001 was issued as a result of this inspection for failure to abate Notice of Violation No. CV-2012-009. A summary of this enforcement action and Notice of Violation No. CV-2012-009, which remains unabated, follows.

**Infraction Number: CO2013001**

Inspection Date: January 9, 2013

Date Issued: January 11, 2013

Primary Topic: Administrative

Secondary Topic: Gen. Compliance With Mine Plan

Tertiary Topic:

Description: Failure to abate NOV CV-2012-009, parts A) and B), on or before December 31, 2012.

A) Bear Coal Company, Inc., failed to obtain a valid permit as required by 34-33-101 et seq, the “Colorado Coal Mining Reclamation Act,” the applicable regulations, and its Permit though it is under an ongoing obligation to complete reclamation of the mine site. Bear Coal Company, Inc. was previously issued Permit No. C-1981-033, which expired on July 19, 2012, and reclamation has not been completed.

B) Bear Coal Company, Inc., failed to complete reclamation in compliance with the terms of its Permit, the Act, and the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining. Bear Coal Company, Inc., has not: completed final ditch and pond reclamation; established a diverse, effective and permanent vegetative cover; or assumed responsibility for successful revegetation.

Abatement #: 1

Abatement Due Date: 1/25/2013

Abatement Description: A) Submit a complete permit application to the Division to obtain a valid permit for the completion of reclamation at the mine site under the provisions of 34-33-101 et seq.

**Infraction Number: CV2012009**

Inspection Date: November 30, 2012

Date Issued: December 17, 2012

Primary Topic: Administrative

Secondary Topic: Gen. Compliance With Mine Plan

Tertiary Topic:

Description: A) Bear Coal Company, Inc., failed to obtain a valid permit as required by 34-33-101 et seq, the “Colorado Coal Mining Reclamation Act,” the applicable regulations, and its Permit though it is under an ongoing obligation to complete reclamation of the mine site. Bear Coal Company, Inc. was previously issued Permit No. C-1981-033, which expired on July 19, 2012 and reclamation has not been completed.

B) Bear Coal Company, Inc., failed to complete reclamation in compliance with the terms of its

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Number of Complete Inspections this Fiscal Year: 2

Permit, the Act, and the Regulations of the Colorado Mined Land Reclamation Board for Coal Mining. Bear Coal Company, Inc., has not: completed final ditch and pond reclamation; established a diverse, effective and permanent vegetative cover; or assumed responsibility for successful revegetation.

Abatement #: 1

Abatement Due Date: 12/31/2012

Abatement Description: A) Submit a complete permit application to the Division to obtain a valid permit for the completion of reclamation at the mine site under the provisions of 34-33-101 et seq.

### **PHOTOGRAPHS**



Discharge from spring to North Fork of the Gunnison River



Treatment Pond at Left, Sediment Pond at Right

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