




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



PERMIT INFORMATION

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| Permit Number: C-1981-033 Mine Name: Bear Mine Operator: Bear Coal Company, Inc. Operator Address: Mr. Daniel Bear 1326 War Emblem Lane Rock Springs, WY 82901 | County: Gunnison Operation Type: Underground Permit Status: Permanent Cessation Ownership: Federal |
| | Operator Representative Present: None |
| Operator Representative Signature: (Field Issuance Only) | |

INSPECTION INFORMATION

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| Inspection Start Date: February 21, 2013 Inspection Start Time: 08:30 Inspection End Date: February 21, 2013 Inspection End Time: 09:00 | | Inspection Type: Coal Partial Inspection Inspection Reason: Normal I&E Program Weather: Snowing | |
| Joint Inspection Agency: None | | Joint Inspection Contacts: | |
| Post Inspection Agency: None | | Post Inspection Contacts: | |
| Inspector(s): Brock F. Bowles | Inspector's Signature:  Signature Date: February 26, 2013 | | |

Inspection Topic Summary

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

R - Air Resource Protection**N** - Availability of Records**N** - Backfill & Grading**N** - Excess Spoil and Dev. Waste**N** - Explosives**N** - Fish & Wildlife**N** - Hydrologic Balance**N** - Gen. Compliance With Mine Plan**N** - Other**N** - Processing Waste**R** - Roads**N** - Reclamation Success**N** - Revegetation**N** - Subsidence**N** - Slides and Other Damage**N** - Support Facilities On-site**R** - Signs and Markers**N** - Support Facilities Not On-site**N** - Special Categories Of Mining**N** - Topsoil**COMMENTS**

This was a partial inspection of the Bear No. 3 Mine conducted by Brock Bowles of the Colorado Division of Reclamation, Mining and Safety on February 21, 2013. No company representative was present for the inspection. Weather conditions were snowing with a light wind. The entire mine site was covered with approximately 6-8 inches of snow.

AIR RESOURCE PROTECTION – Rule 4.17:

There was no observed problem with fugitive dust coming off the site or disturbed areas.

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 treatment pond was mostly snow covered. A small area of snow was discolored where the spring flows into the treatment pond (photo 1). Treated water was flowing from the treatment pond discharge to the river (photo 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 was clear of debris and snow covered. The snow covered bridge planking was slippery and impassible by a vehicle.

SIGNS AND MARKERS – Rule 4.02:

The mine identification sign was visible at the mine entrance with all the required information.

DOCUMENTS RECEIVED: None

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 2

ENFORCEMENT ACTIONS/COMPLIANCE**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 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

Number of Partial Inspection this Fiscal Year: 7

Number of Complete Inspections this Fiscal Year: 2

valid permit for the completion of reclamation at the mine site under the provisions of 34-33-101 et seq.

PHOTOGRAPHS



Photo 1 – Treatment Pond



Photo 2 -

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