

**Request for Adjudicated Hearing C1983059****Mike Ludlow** <Mike.Ludlow@oxbow.com>

To: "Simmons - DNR, Leigh" <leigh.simmons@state.co.us>

Cc: Doug Smith <Doug.Smith@oxbow.com>, Roy Schorsch <Roy.Schorsch@oxbow.com>, Scott Stewart <Scott.Stewart@oxbow.com>

Thu, Sep 30, 2021 at 12:1

Dear Mr. Simmons,

Please accept this Email as a request for an Adjudicated Hearing for the proposed surety increase for permit C1983059 as published in the Delta County Independent on 9-29-2021. Rule 3.02.2(4) requires that the performance bond be adjusted for good cause when the future cost of reclamation changes. The division's cost estimates include structures that have been removed which clearly changes the future cost of reclamation. The removal of these structures can be seen and is documented in the Divisions inspection report dated 2020-12-02 and is attached to this email. Oxbow is objection to the calculations for the future cost of reclamation.

If this is not the correct format to request an Adjudicated Hearing, please contact me for the proper procedure.

Page 195
Section 3.02.2

- 113(5) (4) The amount of the performance bond required shall be adjusted for good cause as affected land acreages are increased or decreased or when the cost of future reclamation changes including the cost of abating any violation for which a notice of violation has been issued. The Division shall review the amount of bond required for a permit area and the terms of acceptance of the bond at the time permit reviews are conducted under 2.08.3 or every two and one-half years, whichever is more frequent. The procedures for any adjustment shall include:

Thank you,

Michael W Ludlow

President

Oxbow Mining, LLC

9/30/21, 2:26 PM

State.co.us Executive Branch Mail - Request for Adjudicated Hearing C1983059

Elk Creek Mine
P.O. Box 535
Somerset, CO 81434
970-929-5494 Office
970-261-5142 Cell

3 attachments

Page 185
Section 3.02.2
11/10/19 (4) The amount of the performance level required shall be adjusted for
good cause as official business days are increased or decreased or when
the cost of future incineration charges including the cost of avoiding any
violation for which a notice of violation has been issued. The filer shall
shall review the amount of bond required for a permit area and the
terms of acceptance of the bond at the time permit reviews are
conducted under 2.09.5 or every two and one-half years, whichever is
more frequent. The provisions for any adjustment shall include:

CDRMS Rule 3.02.2(4).png
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