



STATE OF
COLORADO

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

C1981022, Elk Creek Mine, June Inspection Report

1 message

Simmons - DNR, Leigh <leigh.simmons@state.co.us>
To: Doug Smith <Doug.Smith@oxbow.com>

Thu, Jun 13, 2024 at 10:07 PM

Attached

Leigh Simmons
Environmental Protection Specialist



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

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INSP-REPORTC_C1981022_LDS_06132024084956.pdf
5811K



PERMIT INFORMATION

Permit Number: C-1981-022 Mine Name: Elk Creek Mine Operator: Oxbow Mining, LLC Operator Address: Mr Doug Smith 3737 Hwy 133 P. O. Box 535 Somerset, CO 81434	County: Delta, Gunnison Operation Type: Underground Permit Status: Active Ownership: Private
	Operator Representative Present: N/A
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: June 13, 2024 Inspection Start Time: 08:30 Inspection End Date: Inspection End Time:	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): Leigh Simmons	Inspector's Signature:  Signature Date: June 13, 2024

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

N - Excess Spoil and Dev. Waste

N - Explosives

R - Fish & Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

N - Roads

N - Reclamation Success

R - Revegetation

N - Subsidence

N - Slides and Other Damage

R - Support Facilities On-site

N - Signs and Markers

N - Support Facilities Not On-site

N - Special Categories Of Mining

N - Topsoil

COMMENTS

This was a complete inspection by Leigh Simmons of the Division of Reclamation, Mining and Safety (Division). The weather was hot and dry. The status of the Elk Creek Mine is “active” however no coal is being mined and the only activity since the last inspection was site maintenance.

AVAILABILITY OF RECORDS – Rule 5.02.4(1):

Records were available in the mine office, details are given at the end of this report.

FISH and WILDLIFE – Rule 4.18:

There was evidence of large mammals in the reclaimed areas, but none were observed. Many species of birds were observed during the inspection, and the vegetation on the reclaimed areas was supporting a large and diverse population of insects and pollinators.

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:

Flow in Elk Creek had slowed to a trickle through the facilities area. Bear Creek was flowing well, but nowhere near the flood levels of last year. A small, unnamed tributary to Elk Creek was flowing across the reclaimed road to the DW-1 and DW-2 pad.

GENERAL MINE PLAN COMPLIANCE:

At the Bear Creek Methane Destruction Facility 3 of the 4 burners were operating. The security fence around the facility had been repaired.

Traffic on Bear Creek road had increased as a result of oil and gas development work underway to the north of the permit area, the road was in fairly good condition.

REVEGETATION – Rule 4.15

Number of Partial Inspection this Fiscal Year: 8

Number of Complete Inspections this Fiscal Year: 4

Vegetative Cover; Timing:

The reclaimed areas inspected were generally very well vegetated, with excellent cover and diversity in comparison to the adjacent undisturbed areas. The long segment out to the DW-1 and DW-2 pad was inspected. Some weeds were observed, with Canada thistle (*Cirsium arvense*) the most prevalent by far. Hound's tongue (*Cynoglossum officinale*), Musk thistle (*Carduus nutans*) and Bull thistle (*Cirsium vulgare*) were also observed. The densest stands of Canada thistle were found farthest from the road. In an attempt to show this, line features were collected along the road in areas where dense stands of weeds were present. On the DW-1/DW-2 pad itself weeds were widespread, but particularly dense on the north-west side of the pad. Despite the difficult access, the Division recommends that Oxbow makes a concerted effort to spray for Canada thistle as soon as possible, before it flowers.

SUPPORT FACILITIES - Rule 4.04:

The partially dismantled substation on the upper Elk Creek facilities pad had not yet been removed.

DOCUMENTS RECEIVED

A signed and notarized copy of the permit document renewed with RN-8 was collected by hand.

OTHER (SPECIFY)

A screenshot of the web map used during the inspection is shown in Figure 1 with a legend, and a more zoomed in screenshot of the same map without the legend is given in Figure 2. Reclaimed pads and roads are shown in purple, and inspection features are shown in green.

ENFORCEMENT ACTIONS/COMPLIANCE

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

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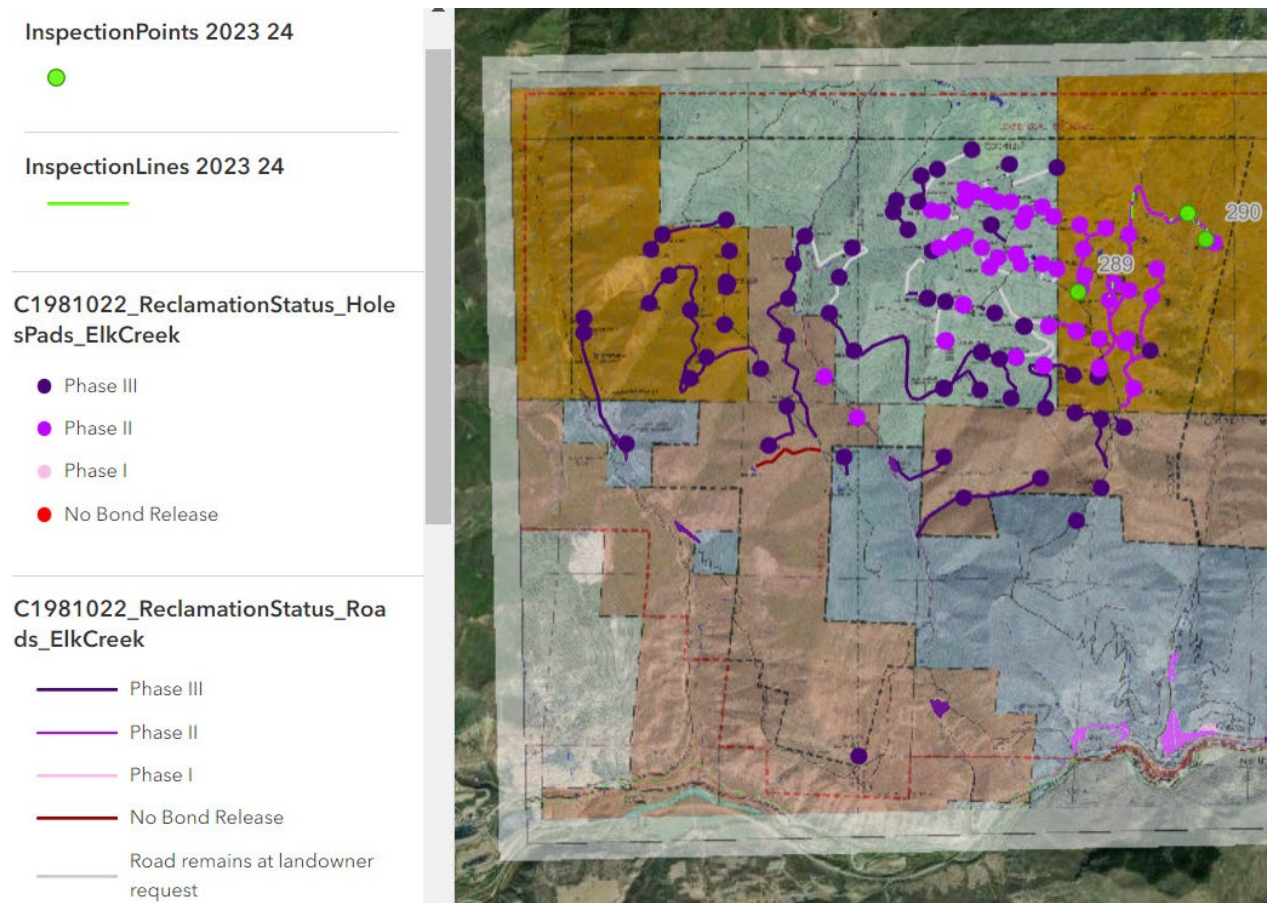
PHOTOGRAPHS AND MAPS

Figure 1: Screenshot of web map

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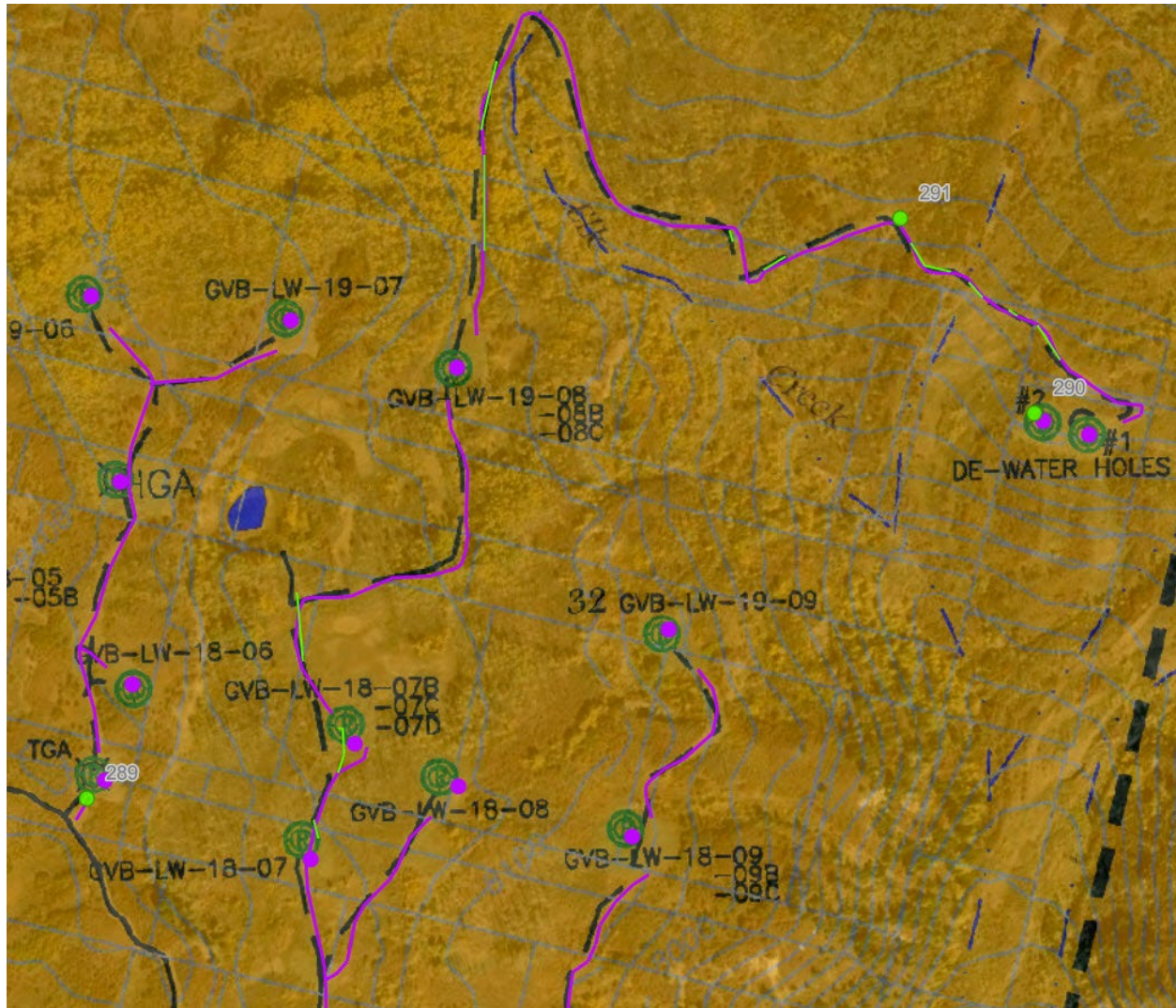


Figure 2: Area inspected, with green lines representing weedy areas

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Figure 3: DW-1/DW-2 pad

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Figure 4: DW-1/DW-2 pad



Figure 5: DW-1/DW-2 pad

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Figure 6: DW-1/DW-2 pad



Figure 7: DW-1/DW-2 pad

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Figure 8: DW-1/DW-2 pad

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Figure 9: Unnamed tributary (point 291)

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Figure 10: TGA Pad (point 289)



Figure 11: Fence repaired at Bear Creek Methane Destruction Facility

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Figure 12: Partially dismantled substation on Upper Elk Creek facilities pad



Figure 13: Upper section of reclaimed Elk Creek channel

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Figure 14: Lower section of reclaimed Elk Creek channel

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	Oct 11, 2023*1
Permit Application w/Revisions	Y
Findings Document	MT-8*1
Insurance Certificate	Jun 1, 2024*2
Bond Document	\$2M
Phased Bond Release	SL-1 through 8
Documents/Findings	

Air Emission Permits	Cancelled
County Special Use Permits	Y, 1997
UG Mining Landowner Notification	Y
Subsidence Monitoring Reports	Y, Oct 2023
Subsidence Monitoring Data	Y
Rill & Gully Survey	Y (ARR)

Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	2023

Midterm Review Documents	MT-8
DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)	Through 4/24

Transfers/Succession of Operator	Y
Temporary Cessation Notification	n/a
Reclamation Cost Estimate	SI-1/SR-2*1

CERTIFICATIONS

Pond Certifications	Y
Annual Certifications for Impoundments	n/a

Fill Certifications for Excess Spoil or Underground Development Waste	
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• Quarterly Inspections	Q1, 2024
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Haul Road Certifications	Y
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Access Road Certifications	Y
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HYDROLOGIC RECORDS

NPDES Permit	Exp. Sep 30, 2024
NPDES Records	DMR, 5/24
Stormwater Management Plan	Oct 15, 2019
SPCC Plan	Oct 15, 2019
MSHA Pond Inspections	n/a
State Engineer's Pond Inspection	n/a

Quarterly Pond Inspections	Q1, 2024
Annual Hydrology Reports	2023
• Ground Water Monitoring	Y

• Surface Water Monitoring	Y
• Spring & Seep Monitoring	Y
• Mine Water Discharge Monitoring	Y
• Mine Inflow Study	Y
• Water Consumption Records	n/a
Well Permits	195278-195286, 197377, 197378

BLASTING RECORDS

Blasting Publication	n/a
Blasting Records (3 years)	n/a
ATFE Explosives Permit	Exp. Jun 1, 2015
Blasting Variances	n/a
Pre-Blast Surveys	n/a

ADDITIONAL RECORDS (specify)**COMMENTS:**

*1 Please update the file with a copy of the renewed permit, as well as the RN-8 Findings and RCE

*2 Please update the file with the renewed insurance certificate

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