



STATE OF  
COLORADO

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

---

## C1981022, Elk Creek Mine, October Inspection Report

---

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

Wed, Oct 30, 2024 at 3:44 PM

To: Doug Smith <Doug.Smith@oxbow.com>

Attached

Leigh Simmons  
Environmental Protection Specialist



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

P [720.220.1180](tel:720.220.1180)

1313 Sherman Street, Room 215, Denver, CO 80203

[leigh.simmons@state.co.us](mailto:leigh.simmons@state.co.us) | <https://drms.colorado.gov>



---


**INSP-REPORTC\_C1981022\_LDS\_10302024033351.pdf**  
3494K



### PERMIT INFORMATION

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

### INSPECTION INFORMATION

<b>Inspection Start Date:</b> October 24, 2024 <b>Inspection Start Time:</b> 13:00 <b>Inspection End Date:</b> <b>Inspection End Time:</b>	<b>Inspection Type:</b> Coal Complete 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>  Leigh Simmons	<b>Inspector's Signature:</b>  <b>Signature Date:</b>  October 30, 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 &amp; Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish &amp; Wildlife

R - Hydrologic Balance

R - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

N - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

N - 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 clear 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. Necessary updates had been made.

**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:

Pond C, at the base of the West Valley Fill, was inspected. The pond was dry and in good order, but the inside of the concrete impoundment wall had been used for graffiti artwork.

**GENERAL MINE PLAN COMPLIANCE:**

Gunnison Energy had moved from the frac phase of their oil and gas project to the production phase, as a result their activity around the Elk Creek facilities area had slowed considerably and fewer contract workers were on-site. Work was in progress to tidy up the equipment and materials stored around the facilities area. All equipment had been removed from ditches. Fluid containers had been consolidated, and secondary containment used where possible. A contractor had been scheduled to clean and crush the spent containers.

The SPCC plan was in the process of being updated at the time of the inspection.

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2

**DOCUMENTS RECEIVED**

N/A

**OTHER (SPECIFY)**

N/A

**ENFORCEMENT ACTIONS/COMPLIANCE**

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

**PHOTOGRAPHS**

*Figure 1: Secondary containment*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2





*Figure 2: Tank removed from ditch*



*Figure 3: Fluid containers consolidated*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2





Figure 4: Spent drums ready to be cleaned and crushed



Figure 5: Gunnison Energy facility

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2





Figure 6: Pond C



Figure 7: Pond C artwork

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2



**AVAILABILITY OF RECORDS****PERMIT RECORDS**

<b>DRMS Permit</b>	Oct 11, 2028
<b>Permit Application w/Revisions</b>	Y
<b>Findings Document</b>	MT-8
<b>Insurance Certificate</b>	Jun 1, 2025
<b>Bond Document</b>	\$2M
<b>Phased Bond Release Documents/Findings</b>	SL-1 through 8

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

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

<b>Midterm Review Documents</b>	MT-8
<b>DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)</b>	Through 9/24

<b>Transfers/Succession of Operator</b>	Y
<b>Temporary Cessation Notification</b>	n/a
<b>Reclamation Cost Estimate</b>	RN-8

**CERTIFICATIONS**

<b>Pond Certifications</b>	Y
<b>Annual Certifications for Impoundments</b>	n/a

<b>Fill Certifications for Excess Spoil or Underground Development Waste</b>	
--	--

• Quarterly Inspections	Q3, 2024
-------------------------	----------

<b>Haul Road Certifications</b>	Y
---------------------------------	---

<b>Access Road Certifications</b>	Y
-----------------------------------	---

**HYDROLOGIC RECORDS**

<b>NPDES Permit</b>	Exp. Sep 30, 2024*1
<b>NPDES Records</b>	DMR, 9/24
<b>Stormwater Management Plan</b>	Oct 15, 2019*2
<b>SPCC Plan</b>	Oct 15, 2019*2
<b>MSHA Pond Inspections</b>	n/a
<b>State Engineer's Pond Inspection</b>	n/a

<b>Quarterly Pond Inspections</b>	Q3, 2024
<b>Annual Hydrology Reports</b>	2023
• <b>Ground Water Monitoring</b>	Y
• <b>Surface Water Monitoring</b>	Y
• <b>Spring &amp; Seep Monitoring</b>	Y
• <b>Mine Water Discharge Monitoring</b>	Y
• <b>Mine Inflow Study</b>	Y
• <b>Water Consumption Records</b>	n/a
<b>Well Permits</b>	195278-195286, 197377, 197378

**BLASTING RECORDS**

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

**ADDITIONAL RECORDS (specify)****COMMENTS:**


---

\*1 Administratively extended

---

\*2 Currently being updated

---

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 2