



STATE OF  
COLORADO

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

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## C1981022, Elk Creek Mine, March Inspection Report

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

Fri, Apr 4, 2025 at 6:27 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

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**INSP-REPORTC\_C1981022\_LDS\_04042025061219.pdf**  
2027K



**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> March 27, 2025 <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>  April 4, 2025

**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

N - Gen. Compliance With Mine Plan

R - Other

N - Processing Waste

R - Roads

N - Reclamation Success

N - Revegetation

N - Subsidence

N - Slides and Other Damage

N - Support Facilities On-site

Y - 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:

Despite mild weather the water level in the creeks running through the permit area was not particularly high. A little water was pooled in Pond B, but otherwise ponds were dry.

**OTHER (SPECIFY):**

The Hubbard Creek Methane Destruction project (which is within the permit area but not a regulated mining activity) had progressed considerably, with the separator, pump, control room, and one of the two planned flares in place, and most of the plumbing complete. The facility will be fenced before it is brought online, but in the meantime access to the project area is restricted by a locked gate at the creek.

**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):

Roads around the main facilities area were in good condition. The county road used to access the Hubbard Creek drainage was passable. No attempt was made to travel up the Bear Creek drainage.

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3

**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.

Number of Partial Inspection this Fiscal Year: 6

Number of Complete Inspections this Fiscal Year: 3



**PHOTOGRAPHS**

Figure 1: Locked gate securing access to Hubbard Creek Methane Destruction Facility



Figure 2: Control room and pump

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*Figure 3: First flare installed; pad ready for second*

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Number of Complete Inspections this Fiscal Year: 3





*Figure 4: Separators*

Number of Partial Inspection this Fiscal Year: 6

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**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 2024
<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>	2024

<b>Midterm Review Documents</b>	MT-8
<b>DRMS/OSM Inspection Reports/Enforcement Actions (3 Years)</b>	Through 2/25

<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

Fill Certifications for Excess Spoil or Underground Development Waste

• Quarterly Inspections	Q4, 2024
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Haul Road Certifications	Y
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Access Road Certifications	Y
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**HYDROLOGIC RECORDS**

<b>NPDES Permit</b>	Exp. Sep 30, 2024*1
<b>NPDES Records</b>	DMR, 2/24
<b>Stormwater Management Plan</b>	Oct 15, 2024
<b>SPCC Plan</b>	Oct 10, 2024
<b>MSHA Pond Inspections</b>	n/a
<b>State Engineer's Pond Inspection</b>	n/a
<b>Quarterly Pond Inspections</b>	Q4, 2024
<b>Annual Hydrology Reports</b>	2024
• 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
<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

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