



STATE OF
COLORADO

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

C1981022, Elk Creek Mine, September Inspection Report

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Thu, Oct 2, 2025 at 3:24 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_10022025030859.pdf
2495K



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: Doug Smith
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: September 26, 2025 Inspection Start Time: 09:00 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: October 2, 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 & Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

R - Other

N - Processing Waste

N - Roads

R - 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.

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:

Ponds C and E were both completely dry, with well-established vegetation inside the pond basins. The inside of the concrete embankment walls had been painted with more graffiti (but none had been painted on the outside where it would be visible from the road). The pond embankments and discharge structures were in good order. Plans to reclaim the ponds were discussed.

OTHER (SPECIFY):

It was unclear at the time of the inspection whether equipment stored within the mine permit area that was previously owned by Gunnison Energy would be taken on by the company who had purchased their oil and gas leases (SG Interests).

RECLAMATION SUCCESS - Rule 4.15, Rule 3:

The Phase II released West Valley Fill and II West Valley Fill were stable and well vegetated.

DOCUMENTS RECEIVED

N/A

OTHER (SPECIFY)

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1

ENFORCEMENT ACTIONS/COMPLIANCE

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

PHOTOGRAPHS



Figure 1: Pond E



Figure 2: Pond E embankment and railroad

Number of Partial Inspection this Fiscal Year: 2

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Figure 3: II West Valley Fill



Figure 4: Pond C

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1



Figure 5: West Valley Fill from Pond C

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1

AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	Oct 11, 2028
Permit Application w/Revisions	Y
Findings Document	MT-8
Insurance Certificate	Jun 1, 2026
Bond Document	\$2M
Phased Bond Release Documents/Findings	SL-1 through 8

Air Emission Permits	Cancelled
County Special Use Permits	Y, 1997
UG Mining Landowner Notification	Y
Subsidence Monitoring Reports	Y, Oct 2024
Subsidence Monitoring Data	Y
Rill & Gully Survey	Y (ARR)

Vegetation Monitoring Data	n/a
Specific Variance Approvals	n/a
Annual Reclamation Reports	2024

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

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

CERTIFICATIONS

Pond Certifications	Y
Annual Certifications for Impoundments	n/a

Fill Certifications for Excess Spoil or Underground Development Waste

• Quarterly Inspections	Q2, 2025
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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*1
NPDES Records	DMR, 8/25
Stormwater Management Plan	Oct 15, 2024
SPCC Plan	Oct 10, 2024
MSHA Pond Inspections	n/a
State Engineer's Pond Inspection	n/a
Quarterly Pond Inspections	Q2, 2025
Annual Hydrology Reports	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
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 Administratively extended

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