



STATE OF
COLORADO

Musick - DNR, Jason <jason.musick@state.co.us>

Terror Creek Loadout, C-1983-059, MR-29, Second Adequacy Review Letter

1 message

Musick - DNR, Jason <jason.musick@state.co.us>

Mon, Oct 17, 2016 at 8:43 AM

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

Good morning Doug,

Attached is the Division's second adequacy review letter based on responses submitted by Oxbow Mining, LLC. Noted in the letter is a request for a Succession of Operators application (SO-1) in order to change the permittee from Terror Creek, LLC to Oxbow Mining, LLC.

One the SO-1 application is received, MR-29 can be approved.

Please let me know if you have any questions or comments.

Thanks,
Jason

--

Jason Musick
Environmental Protection Specialist III
Coal Regulatory Program



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COLORADO

**Division of Reclamation,
Mining and Safety**

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

October 13, 2016

Doug Smith
Terror Creek, LLC
P.O. Box 535
Somerset, CO 81434

**RE: Terror Creek, LLC. Terror Creek Loadout, Permit C-1983-059
 Minor Revision No. 29 (MR-29)
 Second Adequacy Review**

Dear Mr. Smith,

The Division received Terror Creek, LLC's application for a minor revision (MR-29) on August 19, 2016. The application was determined to be complete on August 25, 2016. The Colorado Division of Reclamation, Mining and Safety completed its preliminary adequacy review of the proposed revision in a letter dated August 25, 2016. Responses to the Division's adequacy comments were received by the Division via email on October 10, 2016.

Division's initial comment: 1. Based on a review of the ownership and control section of the currently approved permit application package for the Terror Creek Loadout, comparing the section, along with the proposed updated information submitted with MR-29, with the current information in the Applicant Violator System (AVS), there are discrepancies that will need to be addressed by Terror Creek, LLC. Please address the following discrepancies listed below:

- a. Please provide end dates for the following people listed on the Directors/Officer report:
Joseph Micheal Smith, assistant secretary and Jeffrey Wadman, senior vice president and corporate officer
- b. Please provide an updated diagram of the organizational structure per Rule 2.03.4(3)(b).

In response to the Division's preliminary adequacy comment number 1, Terror Creek, LLC submitted additional information regarding ownership and control. Based on the responses from Terror Creek, the Division understands that Oxbow US Coal LLC merged into Oxbow Mining, LLC on March 31, 2015 and Terror Creek LLC was dissolved and merged into Oxbow Mining, LLC on May 8, 2016. Due to a change in the permittee name a Succession of Operators application is warranted.

Due to a required Succession of Operators application, the Division requests the following information be submitted with the SO-1 application:



1. Update any other ownership percentage change between companies (other than OCMH now owns 58% of OC).
2. Provide board resolution for the dissolution of Terror Creek, LLC. and transition to Oxbow Mining, LLC as permittee.

Terror Creek

End dates required for the following:

David Clark

Michael Ludlow

John Barnhart

Ben Klein

William Parmalee

Oxbow Mining, LLC

No changes needed

Oxbow Carbon, LLC

End dates required for the following:

Thomas Garges Jr

Eric Johnson

Barry Volpert

Robert Hurst

Robert Hale

John Commantaros

Charles Middleton

Michael McAuliffe

Christinia Wing Odonnell

James Sanderson

Oxbow Carbon and Mineral Holdings Inc

End dates required for the following:

Zach Shipley

Richard Callahan

Joan Granlund

Ken Boulter

Terror Creek, LLC

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3. Please provide a revised bond instrument for review by the Division which identifies the new operator and permittee.

Upon receipt of the SO-1 application, the Division will approve MR-29 as the issues identified under MR-29 will be addressed with SO-1.

If you have any questions feel free to contact me. (303) 866-3567 ext 8134

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Musick", is positioned above the typed name.

Jason Musick

Environmental Protection Specialist

Jason.musick@state.co.us