



STATE OF  
COLORADO

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

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## C1983059, Terror Creek Loadout, September Inspection Report

1 message

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

Thu, Oct 3, 2024 at 2:59 PM

Attached

Leigh Simmons  
Environmental Protection Specialist



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

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**INSP-REPORTC\_C1983059\_LDS\_10032024024952.pdf**  
2809K



**PERMIT INFORMATION**

<b>Permit Number:</b> C-1983-059 <b>Mine Name:</b> Terror Creek Loadout <b>Operator:</b> Oxbow Mining, LLC <b>Operator Address:</b> Mr Doug Smith PO Box 535 Paonia, CO 81434	<b>County:</b> Delta <b>Operation Type:</b> Loadout <b>Permit Status:</b> Active <b>Ownership:</b> Private
	<b>Operator Representative Present:</b>  None
<b>Operator Representative Signature: (Field Issuance Only)</b>  	

**INSPECTION INFORMATION**

<b>Inspection Start Date:</b> September 27, 2024 <b>Inspection Start Time:</b> 09:30 <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 3, 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

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 gate to the site was open, and there was activity on both pads. There was no mining-related activity at the site, but the site was being used for the storage of equipment and materials for other industrial and commercial activities.

**AVAILABILITY OF RECORDS – Rule 5.02.4(1):**

Records were available in the Elk Creek 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:

The sediment pond was almost dry. The dugout pond was dry. There was no sign of any uncontrolled runoff, and no sign of surface erosion.

**GENERAL MINE PLAN COMPLIANCE:**

The lower pad was busy with Gunnison Energy activity. At least 6 highway haul trucks were parked on the pad. A number of rail cars of frac sand were parked on the Bowie railroad siding, adjacent to the Terror Creek permit area.

Mr Bowden continued to use the upper pad to store and repair his vehicles. A large tote of liquid next to the pad was filled with soapy water he used to spray wasps.

**DOCUMENTS RECEIVED**

N/A

**OTHER (SPECIFY)**

N/A

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: Lower pad, east side*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





*Figure 2: Lower pad, west side*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





*Figure 3: Gunnison Energy haul trucks and equipment*



*Figure 4: Sediment pond*

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1





Figure 5: Rail cars on Bowie siding



Figure 6: Rail car with frac sand

Number of Partial Inspection this Fiscal Year: 2

Number of Complete Inspections this Fiscal Year: 1

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

<b>DRMS Permit</b>	Exp. 8/23/28
<b>Permit Application w/Revisions</b>	Yes
<b>Findings Document</b>	RN-8
<b>Insurance Certificate</b>	6/1/2024*1
<b>Bond Document</b>	\$290,000
<b>Phased Bond Release</b>	N/A
<b>Documents/Findings</b>	
<b>Air Emission Permits</b>	Terminated 2018
<b>County Special Use Permits</b>	Yes
<b>UG Mining Landowner Notification</b>	N/A
<b>Subsidence Monitoring Reports</b>	N/A
<b>Subsidence Monitoring Data</b>	N/A
<b>Rill &amp; Gully Survey</b>	N/A

<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>	9/24

<b>Transfers/Succession of Operator</b>	SO-01
<b>Temporary Cessation Notification</b>	N/A
<b>Reclamation Cost Estimate</b>	RN-8

**CERTIFICATIONS**

<b>Pond Certifications</b>	Yes
<b>Annual Certifications for Impoundments</b>	N/A

<b>Fill Certifications for Excess Spoil or Underground Development Waste</b>	N/A
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• Quarterly Inspections	N/A
• Compaction Testing	N/A
• Final Certification	N/A

<b>Coal Processing Waste Banks</b>	N/A
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<b>Haul Road Certifications</b>	Yes
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<b>Access Road Certifications</b>	N/A
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**HYDROLOGIC RECORDS**

<b>NPDES Permit</b>	*2
<b>NPDES Records</b>	Q2 2024
<b>Stormwater Management Plan</b>	Yes
<b>SPCC Plan</b>	Yes
<b>MSHA Pond Inspections</b>	N/A
<b>State Engineer's Pond Inspection</b>	N/A
<b>Quarterly Pond Inspections</b>	Q2 2024
<b>Annual Hydrology Reports</b>	2023
• <b>Ground Water Monitoring</b>	AHR

• <b>Surface Water Monitoring</b>	AHR
• <b>Spring &amp; Seep Monitoring</b>	N/A
• <b>Mine Water Discharge Monitoring</b>	N/A
• <b>Mine Inflow Study</b>	N/A
• <b>Water Consumption Records</b>	N/A

<b>Well Permits</b>	Yes
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**BLASTING RECORDS**

<b>Blasting Publication</b>	N/A
<b>Blasting Records (3 years)</b>	N/A
<b>ATFE Explosives Permit</b>	N/A
<b>Blasting Variances</b>	N/A
<b>Pre-Blast Surveys</b>	N/A

**ADDITIONAL RECORDS (specify)**


**COMMENTS:**


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**\*1 Please update the file with the renewed insurance certificate**

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**\*2 CDPS permit expired June 30, 2013; administratively extended.**

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