



STATE OF
COLORADO

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

C1983059, Terror Creek Loadout, March Inspection Report

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

Fri, Apr 4, 2025 at 6:52 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_04042025064422.pdf
2884K



PERMIT INFORMATION

Permit Number: C-1983-059 Mine Name: Terror Creek Loadout Operator: Oxbow Mining, LLC Operator Address: Mr Doug Smith PO Box 535 Paonia, CO 81434	County: Delta Operation Type: Loadout Permit Status: Active Ownership: Private
	Operator Representative Present: Doug Smith
Operator Representative Signature: (Field Issuance Only) 	

INSPECTION INFORMATION

Inspection Start Date: March 27, 2025 Inspection Start Time: 14:30 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: 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 & Grading

N - Excess Spoil and Dev. Waste

N - Explosives

N - Fish & Wildlife

R - Hydrologic Balance

N - Gen. Compliance With Mine Plan

N - Other

N - Processing Waste

N - Roads

N - Reclamation Success

R - 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

Y - 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 secure. 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:

Both the dugout pond and the sediment pond were dry.

GENERAL MINE PLAN COMPLIANCE:

There was no activity on the lower pad. The temporary building was empty of sand. Some equipment was parked in the fenced area.

The two tenants on the upper pad were continuing with their activities.

REVEGETATION – Rule 4.15

Vegetative Cover; Timing:

The embankment above the railroad was stable, but some areas were quite sparsely vegetated, and much of the vegetation that was emerging appeared to be “whitetop” (AKA Hoary Cress).

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.

PHOTOGRAPHS



Figure 1: Sediment Pond

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Figure 2: Dugout pond

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Figure 3: Topsoil stockpile and railroad embankment



Figure 4: Sparse vegetation on railroad embankment

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Number of Complete Inspections this Fiscal Year: 3



Figure 5: Lower pad



Figure 6: Temporary building

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AVAILABILITY OF RECORDS**PERMIT RECORDS**

DRMS Permit	Exp. 8/23/28
Permit Application w/Revisions	Yes
Findings Document	RN-8
Insurance Certificate	6/1/2025
Bond Document	\$290,000
Phased Bond Release Documents/Findings	N/A
Air Emission Permits	Terminated 2018
County Special Use Permits	Yes
UG Mining Landowner Notification	N/A
Subsidence Monitoring Reports	N/A
Subsidence Monitoring Data	N/A
Rill & Gully Survey	N/A
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)	2/24
Transfers/Succession of Operator	SO-01
Temporary Cessation Notification	N/A
Reclamation Cost Estimate	RN-8
CERTIFICATIONS	
Pond Certifications	Yes
Annual Certifications for Impoundments	N/A
Fill Certifications for Excess Spoil or Underground Development Waste	N/A
• Quarterly Inspections	N/A
• Compaction Testing	N/A
• Final Certification	N/A
Coal Processing Waste Banks	N/A
Haul Road Certifications	Yes
Access Road Certifications	N/A

HYDROLOGIC RECORDS

NPDES Permit	CO0049044, exp. 10/1/2029
NPDES Records	Q3 2024*1
Stormwater Management Plan	Yes
SPCC Plan	Yes
MSHA Pond Inspections	N/A
State Engineer's Pond Inspection	N/A
Quarterly Pond Inspections	Q4 2024
Annual Hydrology Reports	2024
• Ground Water Monitoring	AHR
• Surface Water Monitoring	AHR
• Spring & Seep Monitoring	N/A
• Mine Water Discharge Monitoring	N/A
• Mine Inflow Study	N/A
• Water Consumption Records	N/A
Well Permits	Yes

BLASTING RECORDS

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

ADDITIONAL RECORDS (specify)

COMMENTS:

*1 Required reporting frequency reduced to 6 months

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