



**COLORADO**  
**Department of Public  
Health & Environment**

August 8, 2025

Patrick Delaney  
Colorado Division of Reclamation, Mining and Safety  
1508 Ridge Rd  
Nederland, CO 80466

Subject: Compliance Inspection of Industrial Wastewater Treatment Facility  
Colorado Discharge Permit Systems (CDPS) No. CO0001244  
Stormwater CDPS Certification No. COR040046, Schwartzwalder Mine  
Jefferson County

Dear Patrick Delaney:

This letter serves to report the findings of the compliance inspections conducted by the Field Services Section of the Water Quality Control Division (the division) on the above-referenced facilities on June 26, 2025. The assistance that was provided was very helpful and is greatly appreciated. Table 1 identifies the parties present during the compliance inspection.

**Table 1: Parties Present**

Name	Organization
Patrick Delaney, Peter Hays, Nate Enyar, Rachel Nickless and Adam Billin	Colorado Division of Reclamation, Mining and Safety
Kristin Pekot, Stephanie Martin, PE and Juan Guzman, PE	Colorado Department of Public Health & Environment

Table 2 summarizes the number of findings and the required written response dates.

**Table 2: Compliance Inspection Findings**

Severity Category	Number Identified	Response Due (within 30 days of letter date)
Major Findings	2	September 7, 2025
Other Findings	5	No Response Required
Observations/Recommendations	1	No Response Required

**Major Findings**

These items require action by the permittee and will be followed up by the division. Please provide a written response addressing the major findings listed below, which are potential violations, by September 7, 2025. The response must outline the course of action that will be taken and the date by which you propose to bring the facility into compliance with the CDPS permit, Colorado Revised Statutes and/or the associated regulations. Failure to respond within the required time frame may result in formal enforcement action.

**1. B0N17 - Storm Water Nonconstruction**

*Failure to Develop Any or Adequate SWPPP/SWMP:* Stormwater Management Plan (SWMP) is deficient, has not been prepared, and/or the SWMP is not reasonably available for inspection.

CDPS Certification No. COR040046 authorizes the permittee to discharge storm water under CDPS General Permit No. COR040000. Part I.C of CDPS General Permit No. COR040000 requires the permittee to develop, implement, and maintain a SWMP. During the inspection, the permittee was unable to provide a SWMP for the facility. Part I.C. of CDPS General Permit No. COR040000 contains descriptions of the requirements of the

plan. The division expects the permittee to develop, implement, and maintain a complete SWMP in accordance with the permit. Please provide the division documentation that a SWMP has been developed and implemented to comply with the permit requirements.

## **2. BN19A - Storm Water Nonconstruction**

*Failure to Properly Install/Implement Control Measures:* Stormwater management control measures have not been properly selected and/or installed.

Part I.C.3 of CDPS General Permit No. COR040000 requires the permittee to develop a description of stormwater quality controls and implement such controls. Part 1.C.3.b specifies, "The SWMP shall identify potential sources of pollutants at the site, and assess the potential of these sources to contribute pollutants to stormwater discharges associated with mining activities." During the inspection, the permittee had not evaluated the facility for appropriate stormwater quality control measures and was not implementing adequate controls to manage stormwater runoff from the mine dewatering and treatment activities. The division expects the permittee to implement control measures to divert stormwater away from potential pollutant sources and prevent erosion and discharge of sediment. All control measures must be selected and installed following good engineering, hydrologic, and pollution control practices in accordance with the permit. Please provide the division documentation that appropriate control measures have been selected and implemented to comply with the permit effluent limits.

## **Other Findings**

The division expects the permittee to correct the following other findings, which are potential violations, as soon as practical and return the facility to compliance with the CDPS permit, Colorado Revised Statutes and/or the associated regulations. Failure to correct these other findings may result in formal enforcement action. The division may contact the permittee regarding resolution of these findings prior to the next inspection and, at the latest, conduct a detailed review of the resolution during the next inspection.

## **1. E0013 - Reporting Violations**

*Improper/Incorrect Reporting:* Data reported on discharge monitoring reports (DMRs) is not accurate.

Part I.D.1 of CDPS No. CO0001244 requires the DMRs submitted to the division be completed accurately and completely. In addition to a review of all DMRs between January 2022 and June 2025, during the inspection, the division conducted a detailed review and comparison between the information on monthly logs and/or bench sheets and DMRs. As a result, the division inspector found that between July 2023 and October 2023, the permittee incorrectly reported "Below Detection Limit" (NODI code B) for the following parameters: cadmium, trivalent chromium, copper, cyanide, fluoride, dissolved iron, total recoverable iron, manganese, mercury, nickel, dissolved radium 226, total radium 226, selenium, silver, hydrogen sulfide, thallium, antimony, and total suspended solids. Per the division's DMR Guidance document, the permittee should only report "NODI B" on the DMR when the analytical test results are less than the laboratory Minimum Reporting Limit (MRL)/Reporting limit (RL) and the MRL/RL is higher than the permit effluent limit.

Not reporting accurately is an alleged violation of the discharge permit; the DMRs must accurately represent the actual data. Since 2024, the permittee has been correctly reporting the DMRs; therefore, this finding is considered resolved. The division expects the permittee to continue reporting data correctly when completing DMRs. The division has developed a DMR Guidance document as a condensed, but thorough tool for operators regarding how to complete DMRs. This document includes information regarding the reporting intervals for temperature monitoring that have been included in more recent permits and methods for calculating *E. coli* geometric means. The DMR Guidance document is located on the internet at the division website: <https://cdphe.colorado.gov/water-quality-regulations-policies-and-guidance>.

## **2. B0041 - Management Practice Violations**

*Failure to Maintain Records:* Records and reports are not maintained as current, complete or reasonably available for the required three-year period.

Part I.D.4 of CDPS No. CO0001244 requires records for the permittee to be retained for a minimum of three years, including all monitoring information, all calibration and maintenance records, and copies of all reports

required by the permit. Due to changes in ownership and operations, records prior to 2024 were not available at the time of inspection. As discussed during the inspection, the permittee must compile and retain complete records for at least the previous three years that include, but are not limited to, daily log sheets, sample chain of custody forms, laboratory results, DMRs, calibration records (e.g., pH, influent flume, effluent flow meter), and maintenance records. The division inspector observed adequate record retention from 2024 forward. Please develop a procedure for ensuring that at least three years of records are maintained for the facility at either the facility or a different appropriate location.

### **3. BON12 - Storm Water Nonconstruction**

*Failure to Conduct Inspections:* Inspections of the Stormwater Management System have not been adequately and/or consistently performed.

Part I.D.5.b of CDPS General Permit No. COR040000 requires the permittee to conduct and document inspections of their stormwater management system at least once a year. During the inspection, the permittee was unable to provide documentation that stormwater inspections had been conducted in accordance with the permit. The division expects the permittee to conduct and document inspections in accordance with the permit. Please develop documentation that procedures have been developed and implemented to properly conduct and document inspections.

### **4. BON18 - Storm Water Nonconstruction**

*Failure to Implement SWPPP/SWMP:* Sitewide, the Stormwater Management System has not been implemented adequately.

Part I.C of CDPS General Permit No. COR040000 requires the permittee to develop, implement, and maintain a Stormwater Management Plan (SWMP) and requires the SWMP to contain specific elements. A SWMP was not provided to the division at the time of the inspection. The permittee must develop a SWMP and maintain a complete SWMP in accordance with the permit. Please develop documentation that a complete SWMP has been implemented.

### **5. BON41 - Storm Water Nonconstruction**

*Failure to Maintain Records:* Records and reports are not maintained as current, complete or reasonably available for inspection.

Part I.E.6 of CDPS General Permit No. COR040000 requires the permittee to maintain records regarding stormwater management, spills, and maintenance activities. During the inspection, the permittee was unable to provide documentation that records had been maintained in accordance with the permit. The division expects the permittee to maintain records in accordance with the permit. Please develop documentation that procedures have been developed and implemented to properly maintain records.

### **Observations/Recommendations**

1. At the time of the inspection, the permittee and the division inspector discussed the most recent change in ownership of the facility from Colorado Legacy Land, LLC, to the Colorado Division of Reclamation, Mining and Safety. The division does not have record of a permit transfer application within the environmental records database for CDPS Certification No. COR040046. Due to this absent document, formal correspondence is being issued to the previously listed contact, including a compliance advisory issued by the division on June 13, 2025, for failure to submit an annual report. The permittee is expected to submit a change of contact form, which can be located at <https://cdphe.colorado.gov/wq-per-forms>. The permittee is additionally expected to develop and submit an annual report in accordance with the June 13, 2025 compliance advisory instructions.

### **Reminders**

- Sanitary sewer overflows and any other spills that may impact state waters are required by law to be reported in accordance with the division's *WQE-10 Guidance for Reporting Spills under the Colorado Water Quality Control Act and Colorado Discharge Permits*, which is available on the division's website at <https://cdphe.colorado.gov/clean-water-policies>. The state 24-hour toll-free number for environmental release and incident reporting is 877-518-5608.

- Construction of interceptor sewers, lift stations and treatment plants, including modification/expansion of existing facilities, requires site location and design approval prior to commencement of construction. Please refer to the division's *CW-19 Implementation Policy Regulation No. 22 - Site Location and Design Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22)*, which is available on the division's website at <https://cdphe.colorado.gov/clean-water-policies> for information regarding these requirements.
- Most regulations, guidance documents and forms are available via the internet on the division's website. Please link to <https://cdphe.colorado.gov/water-quality-regulations-policies-and-guidance> for further information.
- At CDPHE, we want everyone in Colorado to easily access the information and resources we provide. Information regarding digital accessibility is available on the department's website at [accessibility statement and support](#).
- The department's water security toolbox at <https://cdphe.colorado.gov/dwsecurity> includes information to help water suppliers plan for, prevent and respond to security threats including cyberattacks. All suppliers with Operational Technology, Information Technology or Industrial Control System Capabilities, including but not limited to Supervisory Control and Data Acquisition (SCADA), should assess their cybersecurity with established methods such as U.S. Environmental Protection Agency's cybersecurity evaluation program or U.S. Cybersecurity and Infrastructure Security Agency toolkits. For more cybersecurity training resources, please contact the Local Assistance Unit at [cdphe.wqdwtraining@state.co.us](mailto:cdphe.wqdwtraining@state.co.us).

We would appreciate any feedback that you provide so that we can improve. Please take a few moments to complete [this survey](#).


If you have any questions, please contact me via email at [kristin.pekot@state.co.us](mailto:kristin.pekot@state.co.us). Thank you for your time and cooperation.

Sincerely,

Kristin Pekot  
Staff Field Engineer  
Field Services Section, Denver Office  
Water Quality Control Division  
Colorado Department of Public Health & Environment

Encl. Inspection Report

cc: Jefferson County  
Permit File, CDPS No. CO0001244  
Peter Hays  
Paul Hanson, PE, CDPHE WQCD Field Services Unit Manager  
Thomas Valenta, CDPHE WQCD Field Services Work Group Lead  
Al Stafford, WQCD Clean Water Compliance Unit  
William Everett, WQCD Clean Water Compliance

		<b>COLORADO</b> Department of Public Health & Environment		Water Quality Control Division 4300 Cherry Creek Drive South Denver, CO 80246-1530 http://www.colorado.gov/CDPHE/WQCD	
Section A: National Data System Coding (i.e., ICIS)					
Inspection Date: 6/26/2025		Inspector: State			
Permit					
Inspected:	CDPS #	Inspection Type	Program	Facility Self-Monitoring Evaluation Rating	
Process	CO0001244	Compliance Evaluation	NPDES Base Program	Satisfactory	
Stormwater	COR040046	Compliance Evaluation	NPDES SW Non-Construction	Unsatisfactory	
Section B: Facility Data					
Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number.)  Name SCHWARTZWALDER MINE Address 8300 Glencoe Valley Rd City, State, Zip Golden CO 80402 If industrial, POTW name & CDPS number:			Entry		Permit Effective Date
			Date 6/26/2025 Time 9:30 AM		1/1/2011
Exit			Date 6/26/2025 Time 1:00 PM		Permit Expiration Date 12/31/2015 Admin Continued
			Name(s) of On-Site Representative(s) / Title / Phone / Email		
Name Patrick Delaney		Name Peter Hays		Processes Which Generate Wastewater: Inactive uranium mine de-watering	
Title ORC		Title Project Manager			
Company Black Fox Mining, LLC		Company DRMS			
Address 1508 Ridge Rd		Address 1313 Sherman St. Suite 215			
City, State, Zip Nederland, CO 80466		City, State, Zip Denver, CO 80203			
Phone 315-414-6986		Phone 720-786-0024			
Email pdelaney@blackfoxmining.com		Email peter.hays@state.co.us			
Name / Contact info of Responsible Official		Treatment Process Description:			
Name Patrick Delaney		Plant operates 24/7 from May to October to manage water level within the mine. Untreated water is pumped from the mine pool with influent sampling point and then splits to two trains. Each train is dosed with an antiscalant and runs through two 5-micron cartridge filters, then one reverse osmosis unit. RO permeate water from the trains combine and then flows to three ion exchange units (two running, one on standby) for uranium removal. Treated water is dosed with caustic soda for pH adjustment and goes to a ~4,500 gallon holding tank. From the holding tank the treated water flows by gravity to Outfall 001 at Ralston Creek. RO concentrate and all waste fluid at seasonal startup and shut down is dosed with barium chloride for radium removal and sent back to the mine pool.			
Title ORC					
Company Colo Div of Reclamation, Mining and Safety					
Address 1508 Ridge Rd					
City, State, Zip Nederland, CO 80466					
Phone 315-414-6986					
Email pdelaney@blackfoxmining.com					
Permitted Features (bold italics indicate revised coordinates)					
Feature: 001-A 0 0 0 0					
Lat (DD): 39.841667 0.000000 0.000000 0.000000					
Long (DD): -105.276389 0.000000 0.000000 0.000000					
Section C: Areas Evaluated During Inspection (included in letter if unsatisfactory)					
Satisfactory	Permit	Marginal	Self-Monitoring Program	Satisfactory	Pollution Prevention
Unsatisfactory	Records / Reports	Satisfactory	Compliance Schedules	Unsatisfactory	Stormwater
Satisfactory	Facility Site Review	Satisfactory	Laboratory	Not Applicable	Combined Sewer Overflow
Satisfactory	Effluent / Receiving Waters	Satisfactory	Operations & Maintenance	Not Evaluated	Sanitary Sewer Overflow
Satisfactory	Flow Measurement	Satisfactory	Sludge Handling / Disposal	Not Applicable	MS4
Satisfactory	Certified Operator in Responsible Charge	Not Applicable	Pretreatment	Inspection evaluated elements identified in EPA's NPDES Compliance Inspection Manual, US Environmental Protection Agency, Office of Enforcement and Compliance Assurance, EPA 305-X-04-001.	
DMR Period Evaluated - Start: 1/1/2022 End: 6/1/2025					
Section D: Summary of Findings / Comments (see inspection letter for details)					
Code	Description				
E0013	Data reported on DMRs are not accurate.				
B0041	Records and reports are not maintained as current, complete or reasonably available for the required 3-year period.				
Stormwater Findings					
B0N17	Stormwater Management Plan (SWMP) is deficient, has not been prepared, and/or the SWMP is not reasonably available for inspection.				
B0N18	Sitewide the Stormwater Management System has not been implemented adequately.				
BN19A	Stormwater management control measures have not been properly selected and/or installed.				
B0N12	Inspections of the Stormwater Management System have not been adequately and/or consistently performed.				
B0N41	Records and reports are not maintained as current, complete or reasonably available for inspection.				
Name of Inspector Phone Email Agency Office					
Kristin Pekot		720-515-6506	kristin.pekot@state.co.us	CDPHE, Water Quality Control Division	Denver