


TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.
HEADQUARTERS: P.O. BOX 33695 DENVER, COLORADO 80233-0695 303-452-6111

November 24, 2020

Mr. Zach Trujillo
 Environmental Protection Specialist
 Colorado Division of Reclamation, Mining & Safety
 Department of Natural Resources
 1313 Sherman Street, Room 215
 Denver, CO 80203

RE: Colowyo Coal Company L.P.
Permit No. C-1981-019
2018-2019 Annual Hydrology Review Response

Dear Mr. Trujillo,

Tri-State Generation and Transmission Association, Inc. (Tri-State), is the parent company to Axial Basin Coal Company, which is the general partner to Colowyo Coal Company L.P. (Colowyo). The Colowyo Mine operates under the Colorado Division of Reclamation, Mining, and Safety (Division) Permit No. C-1981-019. Tri-State received the Division's review of the 2018-2019 Annual Hydrology Report (AHR) dated November 12, 2020, and is providing the following response on behalf of Colowyo.

This response letter does not contain the original statements from the Division. All items that were included in bold in the November 12, 2020 letter are being address herein, and proper citations to pages and paragraphs, where appropriate, have been provided for the Division's reference.

The Division's letter (page one, Table 1, and first paragraph, page 2 in bold), notes that it is unclear as to whether Colowyo has complied with "*Sites sampled an sampling frequency at surface water monitoring locations*", and additionally notes that surface water sites EFGSC and LWFGSC are not explained in the 2018-2019 AHR's. The Division should acknowledge that it is not "unclear" as to whether the surface water sites have been sampled. Colowyo has fully complied with it surface water monitoring requirements as outlined in the permit. Regarding EFGSC and LWFGSC, Section 4.05.13 in Volume 15 clearly states that EFGSC and LWFGSC are flow measurements only. The two flows are added together to provide the actual flow for NUGSC. The Division can reference in both the 2018 and 2019 AHR's, that flow data is provided for NUGSC, as outlined in the surface water monitoring program in the permit.

On page 2, first part, the Division infers that Colowyo has not complied with Rule 4.05.13(4)(c)(iii) by providing a requested written interpretation of the data in the AHR. The Division needs to reference the September 30, 2013 letter (Review of 2012 Annual Hydrology Report) from Mr. Zuber requesting compliance with Rule 4.05.13(4)(c)(iii), and Tri-State's January 8, 2014 response to this letter indicating it would be provided. Documentation of compliance with the Rule began with submittal of the 2013 AHR and an evaluation of the data for each monitoring location has been provided annually in the AHR since 2013. The Division has not had any issues with what was provided until recently as noted by their silence on the topic in all reviews of Colowyo's AHR until 2018. Further, Rule 4.05.13(4)(c)(iii) does not



November 24, 2020

Page 2

state in any manner as to what or how the written interpretation of the data is to be included except for identification of mining related impacts to the hydrologic balance. How the written interpretation of the data is presented is at the discretion of the permittee, as the Rule does not require it to be developed in consultation with the Division, only provided upon request. Colowyo has elected to summarize each monitoring location data in tables with indicator parameters, and then provide a short evaluation of the data and any trends for each surface and groundwater monitoring site, which the Division has been agreeable to as presented in the 2013 to 2018 AHR submittals. Since the Division continues to have issues with what is being provided, the discussion on trends and review of the water quality data and potential impacts, it will be expanded in the 2020 AHR submittal, which will occur prior to March 15, 2021.

In the last paragraph of page 2 and the beginning of page 3, the Division notes Colowyo's own use of the water is not considered relevant when considering any potential impacts to receiving streams. The Division has also stated this in past AHR reviews. The claim by the Division infers that Colowyo is attempting to circumvent applicable regulatory standards by claiming its own use of the water in the vicinity of the Colowyo Mine is somehow justifiably exempt for applicable water quality standards, which it is not and neither Tri-State nor Colowoyo has never stated this otherwise. That being said, it is requested that the Division stop making this claim in AHR reviews and any water quality discussion as it related to Colowyo's legal use of its water.

On page 4, first full paragraph, the Division notes the use of "total dissolved" versus dissolved standards for metals. Tri-State noticed this issue also very recently in Section 4.05.13 of Volume 15. The Division is correct, as metals should be dissolved. All laboratory analyses Colowyo has received for metals and reported in the AHR have been dissolved, and this typographically error will be corrected in the permit in the near term.

On page 5, first paragraph, the Division notes some elevated analytical results from CJC for total recoverable iron. What the Division failed to note is several analytical results prior to any ground disturbance from the Collom Haul Road from CJC that were also above the standard of 1.0 mg/l (3/3/2011 and 11/21/2016 respectively). At this time, Tri-State does not believe there is a robust data set to determine if elevated total recoverable iron is an ongoing issue yet or not. The sample results could be outliers as ground disturbing activities up gradient of CJC from the Collom Haul road are still relatively new. Tri-State will continue to monitor the analytical results from CJC, and if analytical results continue to show an issue, Tri-State will work with the Division and develop some mitigating solutions. Tri-State is currently developing a new stormwater management plan with revised best management practices (BMP's) to manage stormwater runoff from the Collom Haul Road. This technical revision submittal will be submitted to the Division for review in late 2020 or early 2021. These proposed BMP's structures will manage stormwater runoff from the Collom Haul Road in a more effective manner, and will provide additional protections to the receiving stream (Jubb Creek).

The last paragraph on Page 5, the Division notes the agricultural standard in Regulation 41 for dissolved lead is 0.1 mg/l, and Colowyo has been reporting analytical data from wells for





November 24, 2020

Page 3

dissolved lead at 0.2 mg/l. This issue has been corrected with the laboratory, and the analysis conducted by the lab will lower the detection limit for dissolved lead to 0.05 mg/l.

If you should have any additional questions in regards to the AHR response, please feel free to contact Tony Tennyson at (970) 824-1232 at your convenience.

Sincerely,

DocuSigned by:

Daniel Casiraro

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Daniel J. Casiraro
Senior Manager
Environmental Services

DJC:TT:der

Enclosure

cc: Chris Gilbreath (via email)
Tom Fry (via email)
Angela Aalbers (via email)
File: C.F 17.14
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