



September 28, 2022

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
Technical Revision No. 155 (TR-155)
Adequacy 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). Therefore, Tri-State on behalf of Colowyo is submitting this adequacy response for technical revision 155 (TR-155) to Permit No. C-1981-019.

Tri-State received an adequacy letter from the Division dated September 23, 2022, and has the following responses to the Division's concerns:

1. *Rule 4 Performance Standards: Please explain the rationale for removing the text on page 4-11 related to pit pumping.*

Response: The language contained in the permit for pit pumping was dated (circa late 1990's), and it is not applicable to Colowyo's operation.

2. *Rule 4 Performance Standards: Please explain the rationale for removing the text on page 4-12 related to the French drain.*

Response: The cited text referring to a French drain on page 4-12, could not be located within Volume 1. Tri-State also researched back through approved minor and technical revisions and was unable to locate the text cited residing on page 4-12.

3. *In the original submittal, the SEDCAD model for the 100-year runoff into the ponds does not include most of the undisturbed areas along the east side of the watershed. Subsequently, an updated SEDCAD report was provided by the operator. No additional response is required.*

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Response: No response required.

4. *The Division has performed a reclamation cost estimate to reclaim the addition of Upper and Lower Section 3 Ponds including pond maintenance over the ten-year liability time period. The total value of this estimate is \$95,851.00 (see attached cost estimate). The Division's cost estimate is consistent with previous cost estimates approved by both the Division and Colowyo. The Division respectfully requests a response from Colowyo with any questions regarding the cost estimate or an acceptance of the Division's estimate.*

Response: Tri-State has reviewed the Division's reclamation cost estimate and is providing one comment on pit pumping. The Division should be aware that Industrial Wastewater permits do not allow for pumping unless pumped water is demonstrated to meet effluent standards prior to commencement of pumping and at all times during pumping. In Colowyo's sampling experience, water pumped from sediment ponds does not meet discharge effluent standards during pumping. If the Division has a third-party contractor conduct this work, a discharge permit will be required, and effluent standards will have to be met. Colowyo would suggest eliminating this task and if a pond is cleaned, it is completed either: 1) with water in the pond, or 2) when the water level is down low enough (late fall) for cleaning. Otherwise, Tri-State provides concurrence with the other task included in the reclamation cost estimate for TR-155.

If you should have any additional questions or concerns, please feel free to contact Tony Tennyson at (970) 824-1232 at your convenience.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Chris Gilbreath".

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Chris Gilbreath
Senior Manager,
Remediation and Reclamation

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cc: Tony Tennyson (via email)
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