



October 13, 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 Mine  
Permit No. C-1981-019  
Valley Fill Inspection Report  
Third Quarter 2022**

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 the Little Collom Gulch Valley Fill Inspection Report for the third quarter of 2022.

On August 2, 2022, the Division issued final approval of technical revision 154 (TR-154). Included in the TR-154 approval was the Little Collom Gulch Valley Fill. Prior to approval of TR-154, spoil material placed into Little Collom Gulch was consider temporary material and would have been removed for use during the backfilling of the Collom Pit. Now as approved, most of the material currently contained in the Little Collom Gulch Valley Fill currently will remain as a permanent excess valley fill.

Given this change during TR-154 to a permanent excess valley fill, Colowyo recognized a discrepancy in the design configuration requirements contained in Exhibit 23, Item 1, requiring a geotextile fabric to be installed on the top of the underdrain. Colowyo quickly organized Agapito Associates, Inc. to address this discrepancy for Colowyo, and has submitted technical revision 156 (TR-156) on September 22, 2022, to address this issue.

Therefore, the enclosed third quarter valley fill inspection report addresses the structural stability of the Little Collom Gulch in accordance with Rule 4.09.1(11)(b), as Tri-State is working with the Division to address the design configuration of the Little Collom Gulch Valley Fill underdrain as submitted under TR-156.

If you should have any additional questions regarding the enclose report, please feel free to contact Tony Tennyson at (970) 824-1232.



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Sincerely,

DocuSigned by:  
*Chris Gilbreath*  
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Chris Gilbreath  
Senior Manager  
Remediation and Reclamation

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Enclosure

cc: Tony Tennyson (via email)

File: CF 24.20.03

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### **Little Collom Valley Fill Inspection Certification**

On September 29, 2022, I inspected the Little Collom Valley Fill, identified on Maps 23B and 29C of the approved permit. The purpose of this inspection was to observe the status of the fill placement. This inspection is necessary to satisfy the requirements of CDRMS Rule 4.09.1(1)(c) and Rule 4.09.1(11). Weather conditions at the time of inspection were approximately 70°F and overcast. In my opinion, the Little Collom Valley fill is currently stable, with no structural weakness, signs of instability or other hazards noted. Visible water was discharging from the toe, indicating the subdrain is working; but until TR-156 (submitted Sept. 23, 2022) is approved, the valley fill does not meet construction design requirements. An explanation follows:

During time of construction, the fill area was permitted as a temporary fill. Exhibit 23 Items 1 and 2 of the approved permit include design criteria for the Little Collom Valley Fill which includes a drain system in the lower (northern) half of the fill. The design criteria also call for a geofabric liner. Because mining operations started the fill in the uppermost (southern) part of the valley fill, no geofabric liner was installed. To satisfy drain requirements, it was decided that natural sorting of the dumped rock would be used. Where the dump height was not substantial enough to allow for natural sorting, a constructed rock drain was built and filled. When the dump height became sufficient, no drain was constructed, and only natural sorting was used. Construction details are included in a recent Agapito report which will eventually become Item 4 of Exhibit 23.

Portions of the fill have since been re-classified as permanent due to permit changes in Post Mine Topography. CDRMS Rule 4.09.02(2) requires a subdrain for the entire length of a permanent valley fill. In my professional opinion, because Colowyo had a drainage design in the approved permit which calls for a geofabric liner, the valley fill does not meet design requirements after approval of TR-154 which changed the classification of the valley fill from temporary to permanent. In order to address this issue, Colowyo contracted Agapito Associates, Inc. to inspect the Little Collom Valley Fill for long term stability of the fill and as built underdrain system relying on natural sorting rather than an actively constructed drain with a geofabric liner. To date, the inspection has been completed and Agapito has submitted a report to Colowyo confirming that as designed, the fill is stable, and they do not see a need for a geofabric liner. This report is in process of being reviewed under TR-156.

I am a Registered Professional Engineer in the State of Colorado.

