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October 10, 2023

Mr. Clayton Wein
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, CO 80203

RE: Professional Certification for the Coal Processing Waste Banks
Deserado Mine - Permit No. C-1981-018

Dear Clayton:

During the third quarter of 2023, qualified persons working under my direction, and I conducted a series of compliance inspections on the active coal processing waste banks located within the Deserado permit area. These inspections were conducted roughly on a bi-weekly basis.

I am a professional engineer registered in the State of Colorado and my experience fulfills the requirements of the Colorado Surface Coal Mining Reclamation Act.

The purpose of these inspections and subsequent certification is to ensure proper construction of the refuse piles and to satisfy the requirements of Rule 4.10.2 of the Colorado Mined Land Reclamation Board.

INSPECTION OF ACTIVE AREAS 2-3-4 and 5A and A

Haulage of refuse material to refuse area "A" continued during the quarter. There are no apparent points of seepage, or indications of slope failure on the active piles. The surface drainage facilities were adequately maintained and were working properly to convey surface runoff. Sediment control structures need periodic maintenance and are cleaned out as conditions warrant.

Our permit requires no sub-drain system, as geotechnical investigations for the disposal site revealed no groundwater present.

Refuse is spread and compacted in lifts not exceeding 24" in depth. Typically refuse is spread much thinner producing 6" to 8" lifts.

Permanent out slopes remain at approximately 95% complete on the toe of sub-area 2-3-4. The infill between these sub-areas is complete. The slopes appeared stable with some localized erosion noted.

Refuse Area 5A has progressed to the point where the drainage characteristics are evolving. The in-pit ditches on the east and west sides are established with appropriate channel protection to carry the projected runoff.

The topsoil and subsoil piles for sub-areas 1, 2/3/4 and 5A have been seeded and are stable. Vegetative growth appears adequate to control erosion on the piles. The disturbed top surface of the subsoil pile for sub-area 5A was seeded in the fall of 2010 and the perennial vegetation is now well established.

Quarterly monitoring of RP-4 refuse pond embankment has continued and appears to be stable.

To the best of my knowledge, based on my professional expertise, the permanent refuse structures at the Deserado mine are being constructed in conformance with the prudent state-of-the-art construction practices as they relate to coal processing waste bank construction. Further, the structures are being constructed in compliance with the approved design, as specified within Section III.B.3 of the approved permit documents and depicted on Maps 76, 77, 77A and 150 and other permit documents or maps as amended from time to time.

I certify, based on my field observations and those observations of my qualified designates and professional investigations, as detailed above, that the permanent refuse disposal structures at Blue Mountain Energy, Inc., Deserado Mine, located in Rio Blanco County, Colorado, are being constructed in compliance with the design approved as a portion of Permit No. C-1981-18, issued by the Colorado Division of Reclamation, Mining and Safety.

Respectfully,

A circular professional engineer seal for the State of Colorado. The outer ring contains the text "PROFESSIONAL ENGINEER" at the top and "STATE OF COLORADO" at the bottom. Inside the ring, the text "No. 43992" is at the top, "JASON L. TUTTLE" is in the center, and "10/10/23" is at the bottom. A blue ink signature is written across the seal.

Jason L. Tuttle, P.E.
Project Engineer
Colorado Registered P.E. No. 43992

xc: Joel Riggins
File