



## **Notification of Recording of Notice of Obligation in Lieu of CCR Deed Notation Nucla Station Ash Disposal Facility**

On June 22, 2022, Tri-State Generation and Transmission Association, Inc. (Tri-State) notifies the public and state agencies that the attached Notice of Obligation in Lieu of CCR Deed Notation for the Tri-State Nucla Station Ash Disposal Facility was recorded by the Montrose County Clerk and Recorder on June 21, 2022, in accordance with 40 CFR 257.105(i)(9). This notice of obligation serves to notify any potential purchaser of the property known as Nucla Station Ash Disposal Facility (as identified in Exhibit A and Exhibit B) that the land has been used as a coal combustion residual unit and that its use is restricted under the post-closure care requirements under the CCR Rule.

DocuSigned by:

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

D250C711D0BF450...

Chris S. Gilbreath  
Sr. Manager, Reclamation & Remediation



TRI-STATE

WHEN RECORDED RETURN TO:

Tri-State Generation and Transmission Association, Inc.  
1100 W. 116<sup>th</sup> Avenue  
Westminster, CO 80234  
Attn: Julie Rech, Senior Manager and Assistant General Counsel

**NOTICE OF OBLIGATION  
IN LIEU OF CCR DEED NOTATION**

This Notice of Obligation in Lieu of CCR Deed Notation ("Notice") is executed as of June 22, 2022 and is intended to be recorded with the Clerk and Recorder of Montrose County, Colorado, for the purpose of notifying any potential purchaser of the Property (as defined below) and other third parties, pursuant to 40 CFR 257.102(i), that:

- The land has been used as a coal combustion residual unit; and
- Its use is restricted under the post-closure care requirements as provided by 40 CFR 257.104(d)(1)(iii) (See attached **Exhibit A**).

The land to which this Notice applies consists of two parcels, commonly known as the Nucla Ash Disposal Site and the Nucla Ash Disposal Expansion Area, respectively, located in western Montrose County approximately 4.5 miles east of Naturita, Colorado, and legally described in **Exhibit B** attached hereto and made a part hereof by this reference (the "Property").

This Notice shall run with the Property in perpetuity and serve to notify all future owners, successors, lessees and assigns, and their respective authorized agents, employees, and persons acting under their direction or control of the contents hereof.

The undersigned hereby executes this Notice of Obligation in Lieu of CCR Deed Notation and represents that the undersigned is the owner of the Property and has authority to execute same.

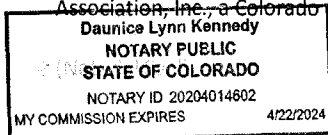
**Tri-State Generation and Transmission Association, Inc., a Colorado  
cooperative corporation**

By: Barbara A. Walz

Barbara A. Walz, Senior Vice President, Policy & Compliance /  
Chief Compliance Officer

STATE OF COLORADO  
COUNTY OF ADAMS

The foregoing instrument was acknowledged before me on June 22, 2022 by Barbara A. Walz, Senior Vice President, Policy & Compliance / Chief Compliance Officer of Tri-State Generation and Transmission Association, Inc., a Colorado cooperative corporation, on behalf of the corporation.



Daunice Lynn Kennedy  
Notary Public

My commission expires: 4/22/2024

P.O. BOX 33695  
DENVER, CO 80233-0695  
303-452-6111

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**Exhibit A**

**to**

**NOTICE OF OBLIGATION  
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The text of 40 CFR 257.104(d)(1)(iii), as in effect as of the date of this Notice, reads as follows:

(iii) A description of the planned uses of the property during the post-closure period. Post-closure use of the property shall not disturb the integrity of the final cover, liner(s), or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in this subpart. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of CCR, will not increase the potential threat to human health or the environment. The demonstration must be certified by a qualified professional engineer or approved by the Participating State Director or approved from EPA where EPA is the permitting authority, and notification shall be provided to the State Director that the demonstration has been placed in the operating record and on the owners or operator's publicly accessible internet site.



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**Exhibit B**

**to**

**NOTICE OF OBLIGATION  
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**Legal Description of the Property:**

**Nucla Ash Disposal Site**

THE SE 1/4 SE 1/4 OF SECTION 26, TOWNSHIP 46 NORTH, RANGE 15 WEST, NEW MEXICO PRINCIPAL MERIDIAN,  
COUNTY OF MONTROSE, STATE OF COLORADO.

**Nucla Ash Disposal Expansion Area**

NORTHEAST 1/4 NORTHEAST 1/4 SECTION 35, TOWNSHIP 46 NORTH, RANGE 15 WEST, NEW MEXICO PRINCIPAL  
MERIDIAN, COUNTY OF MONTROSE, STATE OF COLORADO.