



# Public Service Commission

## State of North Dakota

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November 24, 2010

Mr. Richard A. Southwick  
Vice President, Environmental  
South Heart Coal, LLC  
173 Cottonwood Road  
Townsend, MT 59644

Dear Mr. Southwick:

The Reclamation Division has reviewed South Heart Coal, LLC's October 26<sup>th</sup> response to our completeness review letter dated April 28, 2010, for Surface Coal Mining Permit Application No. SHSH-1001 for the South Heart Mine. The following items must be satisfactorily addressed before the Reclamation Division can deem the application complete.

### **Section 1.0 – Introductory, Financial, Compliance and Related Information**

1. Follow-up to Original Item No. 3: The last ownership tracts listed in the notice are for the NE $\frac{1}{2}$  and NW $\frac{1}{2}$  of Section 34. It appears this error was corrected but then changed back to  $\frac{1}{2}$  rather than  $\frac{1}{4}$ . Please correct these errors. (GAW)

### **Section 2.6 – Surface Water Information**

2. The hyperlinks to Tables 2.6-4 and 2.6-5 are not operable in the Navigation Pane, although they are operable in the Section 2.6 narrative. Please review and correct as necessary. (WTG)
3. The entry for SHRES-21A on page 2 of Table 2.6-4 indicates that a water quality sample was collected, but no sample results are shown for this reservoir on page 15 of Appendix 2.6-4. Please review the inconsistency and correct as necessary. (WTG)

### **Section 3.1.3 – Mine Support Facilities**

4. Section 3.1.3.1 indicates a wash bay pond will be constructed near the facility area. Please include design plans for the pond and, if this pond will receive surface water

runoff the appropriate information required by NDAC 69-05.2-09-09 must be added to Section 3.6. (MDB)

### **Section 3.5 – Transportation Facilities**

5. In Section 3.5.1, Transportation Narrative, please address the issues listed below. (MDB)
  - a. Plans for the concrete arch bridge are still not complete. The geotechnical information for the foundation is still missing. Since this is an intricate part of MHR #1, the haulroad cannot be constructed as shown in Figure 3.5-7. Please submit all the required information to build the haulroad or remove the bridge and portion of the haulroad which will not be constructed until the bridge is constructed from Figure 3.5-7. If all of the required information cannot be provided at this time, design plans for the bridge need to be removed from the permit and submitted in its entirety for approval prior to construction and the bridge should only be referenced as being submitted in future plans as was done for the 122<sup>nd</sup> Avenue overpass.
  - b. The plans for MHR #3 and MHR #4 are not complete because culvert information is not provided. Please include all of the required information or remove the design plans for the haulroad. The road should be shown for future plans on Figure 3.5-1.
  - c. Please include the necessary narratives and descriptions for the Explosive Storage Roads.
  - d. In Section 3.5.1.5, Culvert and Arch Bridge Design, please update the Narrative for Culverts #6 and #7. With the relocation of the facilities area, the culverts and final purpose have changed.
  - e. By definition, the access roads leading to the facility are primary roads and require design plans. Please provide the design plans for the facility access roads.
  - f. In Section 3.5.1.1, Haulroad Construction, the hyperlink to Figure 3.5-6 does not work. Also, the label of the figure does not match the title block of the drawing. Please make the necessary corrections.

### **Section 3.6 – Surface Water**

6. The narrative in Section 3.6.1 states a sump will be installed to collect storm water runoff from the facilities area. Please include design plans for the sump as required by NDAC 69-05.2-09-09 and label the feature on the Pit Layout and Facilities Map, Figure 3.1.1. By definition, all surface impoundments are required to be designed and certified by a professional engineer. (MDB/MSK)

**Section 4.1.3 – Reclamation Costs**

7. Please include multiple cross sections of the worst case pit and stationing of each cross section in order to calculate the yardage shown in Appendix 4.1-1. This should also include the post-mining topography of the pit area for mass balance check. (MDB)
8. Please include a topography map of the worst case scenario pit. The map should be a combination of reclaimed lands behind the pit, undisturbed ahead of the pit and the fill topography within the pit and spoils area. (MDB)
9. Please update the worst case scenario narrative to provide additional detail including the year in which the worst case will occur, the area stripped ahead of the mining pits that will require soil respread, the area not reclaimed behind pit, and any variance areas. (MDB)
10. Please provide the costs for removing the facilities from the permit as part of the worst-case reclamation cost estimate. The RS Means Guide provides values for the removal of structures. (MDB)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division