



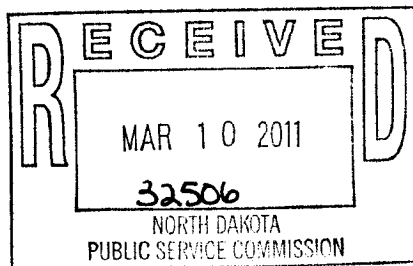
NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
701.328.5200 (fax)
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March 8, 2010 ¹¹

James R. Deutsch
Public Service Commission
600 East Boulevard Avenue
Dept. 408
Bismarck, ND 58505-0480



FROM DIRECTOR - RECLAMATION DIV.

Date: _____

Action: _____

Info. Only: _____

Info & File: _____

Re: South Heart Coal, LLC Surface Coal Mining Permit SHSH-1001 Application

Dear Mr. Deutsch,

The North Dakota Department of Health (NDDH), Division of Water Quality, has reviewed South Heart Coal, LLC's application for Surfacing Coal Mining Permit SHSH-1001. We have comments related to surface water quality discharge permits and ground water protection for the surface coal mine to be located on approximately 4581 acres in Stark County. The comments are as follows:

- An application for a North Dakota Pollutant Discharge Elimination System (NDPDES) permit to discharge drainage from active coal mine areas will need to be submitted to the department at least 180 days prior to the anticipated start of the discharge activity.
- Stormwater runoff from support activities may be covered by a general permit for stormwater discharges. The application for stormwater permit coverage must be submitted seven days prior to beginning construction of the support facilities.
- Total Maximum Daily Loads (TMDLs) have been developed for total suspended solids and total phosphorus applicable to the Heart River and South Branch of the Heart River. It appears that permit limits based on the federal effluent limitation guideline would be in agreement with the TMDL for total suspended solids. Additional information or sampling for phosphorus may be requested as part of the NDPDES permit for discharges from the coal mine.
- We appreciate the analysis completed for the surface water quality assessment provided in Table 2.6-19. The department may require actual samples from the discharge for the trace metals and other parameters as part of the NDPDES permit.
- The permit application indicates that groundwater monitoring will be conducted before mining operations begin, during active mining operations, and during mine reclamation. Table 2.5-5 summarizes the recently-completed baseline monitoring schedule. A

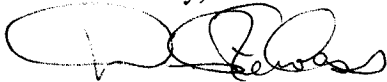
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groundwater monitoring well summary table of the wells that will be sampled during the mining and post-mining periods should be submitted to the NDDH. The monitoring well sampling summary table should be periodically updated as the project progresses.

- Quarterly and annual groundwater monitoring reports should be submitted to the North Dakota Department of Health.
- Proposed modifications to the groundwater monitoring plan should be submitted to the North Dakota Department of Health for review and approval.

If you have any questions, please do not hesitate to contact Randy Kowalski, in the NDPDES Permits Program at 701-328-5239 or Carl Anderson, Ground Water Protection Program Manager at 701-328-5213.

Sincerely,



Dennis R. Fewless
Director
Division of Water Quality