



Public Service Commission

State of North Dakota

COMMISSIONERS

Kevin Cramer
Tony Clark
Brian P. Kalk

Executive Secretary
Darrell Nitschke

600 E. Boulevard Ave. Dept 408
Bismarck, North Dakota 58505-0480
Web: www.nd.gov/psc
E-mail: ndpsc@nd.gov
Phone 701-328-2400
Toll Free 1-877-245-6685
Fax 701-328-2410
TDD 800-366-6888 or 711

July 14, 2010

Mr. Jeff Frohlich
Manager, Engineering & Environment
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has conducted a completeness review of the applications for Renewal No. 4 and Revision No. 26 to Surface Coal Mine Permit No. KRSB-8802. The revision application has been determined to be a significant alteration to the approved operations and reclamation plan and is therefore subject to the notice, hearing and procedural requirements of our rules and laws. The following items must be addressed before we deem the application complete and approve publication of the public notice.

Renewal Application Form

1. As required by NDAC 69-05.2-11-03-5(b) and as stated on the permit renewal application form, please attach a statement to the application describing the reasons for requesting the renewal. A similar statement is required for the accompanying revision. (WTG/SAS)
2. As required by NDAC 69-05.2-11-03-5(d) and as stated on the permit renewal application form, please provide evidence that adequate liability insurance will be provided for the proposed renewal period. This requirement may be met by a statement included with the attachment describing the reasons for the renewal. (WTG)

Revision Application

3. As required by NDAC 69-05.2-11-02-4(a) and as stated on the permit revision application form, please attach a narrative (Revision Summary) describing the proposed revision. The description of the permit revision on the application form will not suffice as the permit revision narrative. One paragraph is usually adequate to describe the revision, and it should include the following information: what is being submitted (the revision and renewal applications); why they are being submitted (pre-renewal review letter); and, a description of all sections of the permit that are being updated with the permit revision. The narrative may be included with the same attachment that describes the reasons for requesting the permit renewal and revision. (WTG)

Public Notice

4. The public notice incorrectly lists Allegra and Leroy Boeckel as surface owners of the N½ of Section 11 rather than the NW¼ of Section 12. Please correct this error. (GAW)
5. Please remove the extra “Neuberger” in the surface owner listing for Section 7 in Oliver County unless there is another one whose first name is missing. (SAS/MDB)
6. As required by NDAC 69-05.2-10-01-1(b), please include the following additional information on the newspaper notice map that will allow local residents to readily identify the permit area: ND Highway 49; 13th St SW north of the permit boundary; 16th St SW on the south permit boundary; Rose Hill Cemetery; Brush Creek; and distance to Beulah on ND 49 from the north permit boundary. (WTG/GAW)

Section 1.4.2 – Property Interests

7. The surface owner for Section 7 in Oliver County is listed as Dennis Neuberger, Neuberger and Dale Neuberger. Please provide a first name for the second Neuberger listed, and include an address for this individual if not already included. (MDB)

Section 1.5 – Compliance Information

8. Pre-renewal item no. 10 requested an updated list of violations. DWC responded by saying that the information would be submitted in a few days. Please update as previously requested. (SAS)

Section 3.7 – Time Schedules

9. The response to pre-renewal item no. 26 says an updated Table 3.7.2 was included but this revised table cannot be found. (SAS)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division