



# Public Service Commission State of North Dakota

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## 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

## INSPECTION REPORT

DATE OF INSPECTION: September 29, 2010  
TYPE OF INSPECTION: Partial  
PERMITTEE - MINE: Coteau Properties Company - Freedom Mine  
PERMITS INSPECTED: NACT-8102, NACT-8203, NACT-8401, NACT-8503, NACT-8601,  
NACT-9001, NACT-9101, NACT-9501, NACT-0201, NACT-0401  
PERSON ACCOMPANYING INSPECTOR: Terence Schmidt  
INSPECTION CONDITIONS: The inspection was conducted between 10:00 a.m. and 5:30  
p.m., CDT. Skies were clear. The temperature was near 50°  
F but rose to 70° F. Access was unrestricted.

### OVERBURDEN/COAL REMOVAL

The 902 dragline was removing overburden in the SW $\frac{1}{4}$  of Section 31, Permit NACT-0201. Scrapers were prebenching overburden in the SE $\frac{1}{4}$  of Section 25 and hauling the material near the quarter line in the S $\frac{1}{2}$  of Section 36, Permit NACT-0201.

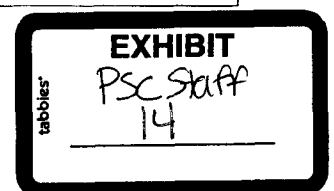
The 901 dragline was removing overburden in the SE $\frac{1}{4}$  of Section 28, Permit NACT-0401.

### SURFACE WATER MANAGEMENT

The following ponds were viewed during the inspection and their relative water elevations were noted. Coteau received multiple rain events over the past several weeks which caused several ponds to overflow.

Pond	Elevation	Comments
P-J29-01	6 inches above PPE	
P-J30-02R	3 feet below spillway, above PPE	
P-W32-02	6 inches below PPE	Discharging at an estimated 2000 gpm. Discharge appeared clean and clear.

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PSC Staff Exhibit 14



Pond	Elevation	Comments
P-W31-01	1.5 feet above PPE	
P-W03-01	1 foot above PPE	
P-W03-02	1 foot below PPE	
P-H34-01	2 feet below PPE	
P-H34-04	2 feet below spillway, above PPE	
P-H34-05	1 inch below principal spillway	Treated with flocculent.
P-H27-01	1 foot below spillway	Treated with flocculent.
P-H26-04	1 foot below PPE	
P-H15-01	2 feet below spillway	Discharging at 1000 gpm. Discharge was clean and clear.
P-H22-04	2 feet below PPE	
P-H22-05	6 inches below PPE	
P-H22-06	3.5 feet above PPE	Treating with flocculent.
P-H22-07	At PPE	See comments below.
P-H14-01	1.5 feet below spillway	
P-N28-01	At spillway	Overflowing through spillway at an estimated rate of 200 gpm. Discharge appeared clean and clear.
P-N33-01	3 feet above PPE	Discharging at approximately 1000 gpm through pump as well as through spillway. Discharge appeared clean and clear at both locations.
P-N33-02	2 inches above spillway	Overflowing through spillway approximately 2 inches deep. Discharge appeared clean and clear at an estimated rate of 500 gpm.

During the inspection of Pond P-H22-07 it was noted that water was flowing through the barrel of the principal spillway, estimated at 20 gpm; however, the water elevation of the pond was below the principal spillway inlet. The pond pool area was reconstructed in the last year after being mined through, but the embankment was not disturbed. Mr. Bill Kirk of Coteau was notified immediately of the situation and he investigated further as Mr. Schmidt and I continued on with the inspection. Following the inspection, we talked with Mr. Kirk regarding the situation. His assumption was that during the reconstruction of the pool area, a dozer had hit the riser pipe causing a dent (visible at the time of the inspection) in the upper portion and probably breaking the weld or disjuncting the barrel from the riser. Mr. Kirk met with the water pumpers that evening and began dewatering the pond into another sedimentation pond. After dewatering, the riser will be excavated to find the cause of the leak and repair it as necessary.

The water management sumps installed at the Section 34 SPGM stockpile site were viewed during the inspection. The sump on the north side was approximately 10-12 feet from overflowing and the sump located on the south side was approximately 3 feet from overflowing.

SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

A subsoil removal area was viewed in the SW¼ of Section 25, Permit NACT-0201. The area appeared to have all available suitable plant growth material removed and approval was granted.

However, the soil monuments were either removed or not left for field inspection over a large portion of the area. Future approvals will not be granted if monuments are not left to adequately represent the area until the area has been inspected and approved by PSC personnel.

The reclamation of Sump S-I02-01 is nearly complete. All that remains to be respread in the watershed is the wetland itself, which due to recent rains has been too wet, and a subsoil access corridor which is being used to access the two other ponds to the north. The respread topsoil has been mulched and fabric has been laid in the drainageways.

A small dozer was stuck in the bottom of Pond P-I03-01. The dozer was mixing dry soil with the pond sediment in order to dry-out the pond bottom in order for reclamation of the pond to proceed. The 207 loader and trucks were respreading topsoil from Stockpile TS-551 on a grade approval area in Section 22, Permit NACT-9501.

The 933 and 934 truck/shovel fleets were respreading subsoil from Stockpile SS-290 on a grade approval area in Section 22, Permit NACT-9501.

### STOCKPILES

Topsoil Stockpile TS-553 was noted as being infested with absinth wormwood. Mr. Schmidt indicated the pile would be sprayed and mowed to control the noxious weed.

### ROADS

The road crew was reconstructing the haul road along the north side of Permit NACT-0201. As part of these operations fly ash was being placed to the south of the east end of Pond P-W25-01 and the 937 truck/shovel fleet was removing a portion of the haul road southwest of Pond P-H25-01.

The newly constructed Section 34 haul road was also traversed during the inspection. Silt fences had been previously installed along the road and had been washed out or broken in several areas due to recent rainfall events. Sediment needs to be removed from the ditches and the silt fences need to be repaired along the ditch edges.


The conveyor haul road was also traversed during the inspection. An area of concern was noted on the downstream side of the culvert in the SE¼ of Section 18, Permits NACT-8102 and NACT-8203, during the September 2, 2010, inspection. The September 2<sup>nd</sup> inspection stated "Vegetated overburden as well as the subsoil respread edge, acting as a sump, was collecting sediment prior to the water flowing down a reclaimed drainageway. However, with sediment build-up, the vegetation no longer effectively filters the sediment in the runoff. It was suggested that silt fences and/or an excavated sump be installed." The inspector was following up on the area to see if the necessary measures from the September 2<sup>nd</sup> report had been implemented on the downstream (south) side of the haul road. The upstream (north) side of the haul road was also viewed during this inspection. Upon inspection, it was apparent that sediment had also filled the north haul road ditch and had been deposited on upstream reclaimed lands. See attached photo 1. Based on these observations, a follow-up inspection was conducted on September 30, 2010, by Mr. Berg and Mr. Moos.

WILDLIFE

Two dozen antelope were grazing south of Pond P-J30-02R in an alfalfa field. 150 geese were utilizing Pond P-W 32-02. 4 mule deer were grazing on reclaimed land in the NE<sup>1</sup>/<sub>4</sub> of Section 3 in Permit NACT-9101 and 2 coyotes were seen near Pond P-H22-04.

MISCELLANEOUS

A track log of the inspection is attached.

  
Michael Berg, P.E.  
Environmental Engineer

cc: Joe Friedlander  
OSM Casper Field Office  
Mercer County Auditor

Photo 1. Looking north from conveyor haul road in the SE<sup>1</sup>/<sub>4</sub> of Section 18, Permits NACT-8102 and NACT-8203.



Track log of route driven during the inspection is shown in black.

