



Public Service Commission

State of North Dakota

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October 28, 2014

Ms. Melody Smith
Environmental Specialist
American Colloid Company
P.O. Box 2010
Belle Fourche, SD 57717

Dear Ms. Smith:

The Reclamation Division has reviewed American Colloid Company's September 13, 2014 response to our July 16, 2014 technical review items for Revision No. 7 to Permit ACPG-9701 for the Tompkins Mine Area addition at the American Colloid Mine near Gascoyne, ND. The following items were noted and must be addressed or corrected before the Reclamation Division will recommend Commission approval:

Section 1.1 – Introductory Information

1. New Item: Please revise the Revision No. 7 application form to mention the recent ownership changes that have occurred with American Colloid Company. It appears AMCOL international has been sold to Mineral Technologies Inc., and that the Board of Directors for American Colloid Company (ACC) has changed. (GAW)

Section 1.1.2 – Revision Summary

2. New Item: Please revise the Revision 7 summary description to discuss the recent ownership changes that have occurred with American Colloid Company. It appears AMCOL International has been sold to Mineral Technologies Inc. and that the Board of Directors for American Colloid Company (ACC) has changed. (GAW)

Section 1.3 – Business Entity/Compliance Information

3. New Item: Please revise Section 1.3.1, Names of Officers, Directors and Share Holders and Organizational Structure, to include a discussion about how Minerals Technologies Inc. is affiliated with American Colloid Company. Apparently, AMCOL International was purchased by Minerals Technologies Inc. This narrative should explain when this ownership transaction occurred and provide all of the information for the American Colloid Company, Minerals Technologies, Inc., and any other owner or controller as required by subsection 1 of NDAC 69-05.2-06-01 and 69-05.2-06-02. (GAW)

4. Follow-up to item No. 4: Other Licenses and Permits, Section 1.3.5, needs to be updated to note that a Conditional Water Use permit from the ND State Water Commission will either be applied for, is pending, or has been received. If the water use permit has not yet been secured from the State Water Commission, a statement must be added to Permit ACPG-9701 that the usage of retained evaporation pond water for dust suppression or any other activities will not be conducted until after the water use permit has been received. (BEB)

Section 2.9 – Probable Hydrologic Consequences

5. We are still unable to open the links in the Section 2.9(a) narrative, provided for *Section 3.6.1(c) Tompkins Surface Water Study and Erosion Control Plan* and *Section 2.9(b)*. Please review and repair these links as provided in the narrative. (RLK)
6. Follow-up to Item 27: In the narrative added to page 8 of Section 3.6.1(c), the last sentence states: “*The modeled flow rate for this event is 0.6 feet per second and non-erosive.*” The stated measurement units of feet per second indicate a velocity rather than flow rate which could be cubic feet per second. Please review and revise as appropriate. (RLK)
7. Follow-up to Item 27: The drainage area used for Buffalo Creek Tributary Reach No. 1 referenced in Table 7, Premining and Postmining Contributions to Tributary of Buffalo Creek, is not depicted on a map included in the application. The other reaches referred to in Table 7 correspond with the drainage areas described and shown elsewhere in Section 3.6 of the application. Please revise or add information as appropriate to identify the drainage area for Reach No. 1, used in the hydrologic evaluation. (RLK)

Section 3.1 – General Operation Plan

8. Follow-up to item No. 29: Please update the Pit Layout and Facility Map for the Tompkins Mine Area in Section 3.1.3(c), update the Reclamation Schedule (Tompkins Mine Area) in Section 4.2.2(c), and update the Annual Activities Chart in Section 4.2.9(c), as well as any other applicable sections of the permit if mining will not begin at the Tompkins Mine in 2014. (FSE)

Section 4.1 – Post-Mining Land Use and Revegetation

9. Follow-up to item No. 41: This item requested that the Tompkins post-mining land use narrative, Section 4.1.1(c), be reinserted into the permit because it had inadvertently been replaced with the narrative. ACC responded by inserting the post-mine narrative into both Section 4.1.1(c) and Section 4.1.2(c) which deleted the Tompkins post-mining land use map. Please retain the Tompkins post-mine land use **narrative in Section 4.1.1c** and reinsert the Tompkins post-mine land use **map in Section 4.1.2c**. (ZAB)
10. Follow-up to item No. 44: Please update the revised date at the bottom of the page in Section 4.1.7(b)(1) to 9/14 since changes were made to the seeding dates with the most recent submission. (ZAB)

Section 4.2 – Reclamation - General

11. Follow-up to item No. 44: Please update the revised date at the bottom of Page 1 in Section 4.2.2(b) to 9/14 since changes were made to the seeding dates with the most recent submission. (ZAB)

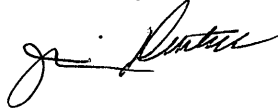
Section 4.2.4 – Reclamation Costs (Bonding Calculations)

12. Follow-up to item No. 51: Since 2014 is nearly over and it is unlikely that mining of the Tompkins property will begin yet this year, it appears the mining sequence may need to be changed. Based on the updated planned mining sequence and the pit status in the Perkins Mine Area, please provide updated assumptions for the worst case scenario, including specific times and material quantities in the cost estimate. (FSE)

As of today, October 28, 2014, the Commission has 75 days remaining from the extended 120 day review period as allowed by NDAC 69-05.2-05-01(4)(b). The review period will resume upon the submittal of American Colloid's response to all noted deficiencies.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

cc: Bowman County Auditor