



PERMITTING & RECLAMATION DEPARTMENT
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January 30, 2015

Mr. James R. Deutsch, Director
Reclamation Division
North Dakota Public Service Commission
600 E. Boulevard Ave.
Bismarck, ND 58505

**RE: ND Permit ACPG-9701 Revision 7 Round 5 Technical Deficiency Comment (dated 1/23/2015)
Response.**

Dear Mr. Deutsch:

Please find enclosed two CDs providing American Colloid Company (ACC) Permit ACPG-9701 Revision 7 Round 5 Technical Review Comment Response to the Reclamation Division's January 23, 2015 Round 5 technical review comments. Revision No. 7 to ACPG-9701 proposes to add 149.28 acres to the permit through addition of the Tompkins Mine Area.

The Reclamation Division requires that the following items be addressed or corrected before the Reclamation Division will recommend Commission approval:

Section 4.0 – Reclamation Plans

1. Follow-up to item No. 6: Please remove the solid square in the 180 day variance column for Pit B-2 in Section 4.1.7(a)(1) to be consistent with the documentation in Section 4.1.7(a)(2) which indicates Pit B-2 only has an approved 3 year variance. Pit B-2 was reinserted to Section 4.1.7(a)(1) for this response and this may have been a copy/paste error. (ZAB)

Section 4.1.7(a)(1) has been corrected as requested. The section was also modified to reflect either "approved" or "approved by Revision 7" (previous duplication removed).

2. Follow-up to item No. 6: In Section 4.1.7(a)(1), the phrase "approved with Revision 7" was added to the legend behind the previously approved variances (2009 and 2012). It appears the phrase was placed on the wrong line and should be moved to the Variance from the 3-year Requirements. (ZAB)

Section 4.1.7(a)(1) has been corrected as requested.

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3. Follow-up to item No. 6: Please remove the 180 day variance symbol for Pit B-1 in Section 4.2.2(b) which appears to be a copy/paste error that occurred between the completeness and technical reviews. We apologize for not noticing this error earlier. (ZAB)

The symbol was not removed as requested; rather the request was added to 4.1.7(a)(1) for approval with Revision 7 approval, as the 180-day backfilling requirement was exceeded at the time the pit was backfilled in 2008.

Section 4.2.4 – Reclamation Costs

4. Follow-up to item No. 8: Please review and correct the statement in the first paragraph of Section 4.2.4 which states that “860,988 cubic yards...is less than the 500,000 cubic yard requirement for a small operation”. It appears that ACC does not meet the “small operation” criteria. Also please delete or modify as necessary the added information in this section that states “2015: Tompkins (252,167 yds³) and (Perkins 75,642 yds³) that is displayed above the Page Mining Area Backfilling column. (FSE)

Section 4.2.4 has been revised as appropriate.

5. Follow up item No 8: Please clearly identify when the worst case scenario will occur for the entire permit area (we assume it will be in 2016) and account for all remaining reclamation for all pit/mine areas including ponds, roads, and stockpile areas. For example, Section 4.2.2(b) indicates that pits A-[^], A-7, A-8, and all C pits will be backfilled and respread with SPGM in 2016; however, costs are not included for all of these pit areas in Section 4.2.4. Please review and address as necessary to insure that all remaining reclamation activities at the time of the worst case scenario are included in the reclamation costs and that the details in the Reclamation Cost section are consistent with the other sections of the permit. (FSE)

Sections 3.1.5(b), 4.2.2(b), and 4.2.4 have been updated as required to reflect the worst case scenario (2016). Section 4.2.9(b) was also updated to reflect stripping of Pit A-6 in 2011 rather than 2010.

If you have any questions, please contact me at 605-892-7178 or melody.smith@colloid.com.

Sincerely,



Melody Smith
Environmental Specialist
American Colloid Company
A Mineral Technologies Company