



# Public Service Commission

## State of North Dakota

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May 8, 2015

Jeff P. Frohlich  
Manager, Engineering and Environmental  
Dakota Westmoreland Corporation  
Beulah Mine  
PO Box 39  
Beulah, ND 58523-0039

Dear Mr. Frohlich:

The Reclamation Division has reviewed Dakota Westmoreland's March 31, 2015 changes to the application of Revision No. 29 to Permit KRSB-8802 for the Beulah Mine submitted in response to our March 18, 2015 technical review letter. The following items must be adequately addressed before the Reclamation Division will recommend Commission approval of the revision application. Please note that follow-up items refer to items as numbered in our March 18, 2015 letter.

### **Table of Contents**

1. Follow-up to item No. 4: Please include a revised Table of Contents for the permit consistent with the changes proposed with Revision 29. Apparently, Exhibit 3.2.4, Proposed Constructed Wetland, is being removed from the permit with Revision 29; however, it is still included in the Table of Contents. (GAW)

### **Section 2.7 - Land Use**

2. Follow-up to item No. 2: Please provide an updated preference statement or include a letter in the permit from Mr. Heth indicating his agreement with DWC's plan to replace pre-mining wetland 19-2 with spring seeps that have developed on the reclaimed highwall in Section 20. Proposed new language on page 2.7.5 indicates that spring seeps in Section 20 "redeveloped" which would lead one to believe that the wetlands that have formed from these spring seeps are simply replacing that which existed prior to mining but the pre-mine land use and wildlife sections of the permit do not show any pre-mine

wetland habitat in this area prior to mining. Please revise the new language to provide clarity. Please also update the Post-Mine Land Use Acreage Table on page 2.7.4 to account for the additional wetland acreage that is being proposed with this revision. (GAW)

### **Section 3.2 - Water Management Plan**

3. Follow-up to item No. 3: With regard to the Pond 70 Charlie Pit Sump topographic map prepared from the February 5, 2015 survey, elevation capacity curve, and capacity calculations submitted with the March 31, 2015 response, please submit a topographic map for the Pond 70 sump that has legible (i.e., larger) contour elevation labels. We also suggest using a 2 foot contour interval instead of the 1 foot contour interval, and/or another separate map or inset that clearly shows the sump contour elevations. (BAJ)
4. Follow-up to item No. 3: With regard to the Pond 70 Charlie Pit Sump topographic map prepared from the February 5, 2015 survey, elevation capacity curve, and capacity calculations submitted with the March 31, 2015 response, please submit an Elevation - Discharge table or Storage - Discharge table for the sump. The tables are necessary to perform routing of the sump and pond. Please also provide a water elevation for the sump that DWC will need to maintain so that Pond 70 can contain the runoff from the design event without spillway outflow. NDAC 69-05.2-16-09(7) (BAJ)
5. Follow-up to item No. 3: The Pond 70 Charlie Pit Sump topographic map prepared from the February 5, 2015 survey, elevation capacity curve, and capacity calculations submitted as reference material with the March 31, 2015 response are used for the sump design data on page 3.2.47 and should therefore be added to the Revision 29 application as Exhibit and Table 3.2.2. Please revise the items to present them as permit exhibit(s) and table(s) according to the two preceding items and also as follows: revise the topographic map title box to add an exhibit number and title with revision number and date; remove the topographic map elevation data points and label the index elevation contours; reduce the topographic map scale (enlarge the view) to include Pond 70; and label accompanying items as exhibit(s) and table(s) similar to the topographic map. In related items, please add a reference to the Pond 70 Charlie Pit Sump exhibit(s) and table(s) on page 3.2.48, add the exhibit(s) and table(s) to the revision application list of changes, and also add the exhibit(s) and table(s) to Exhibit 3.2.2 (Pond Drawings and Tables index). Please note that item No. 20 of our May 1, 2015 KRSB-8802 permit pre-renewal review letter requested an update to Exhibit 3.2.2 to list sedimentation ponds 68, 70, and 71 that were constructed since the sheet was last updated on October 25, 1996. You may choose to submit the updated index to pond drawings and tables with Revision 29 (and add it to the revision list of changes) or submit it with the revision application that will accompany the forthcoming permit renewal application. (WTG)
6. Please update Exhibit 3.2.1 (Water Management Plan) to use the most recent permit-wide topographic survey as the exhibit's topographic base. As indicated by a note below the

Jeff P. Frohlich  
May 8, 2015  
Page 3 of 3

exhibit's scale bar, the topographic base depicted on the exhibit was prepared 12 years ago in May 2003. (WTG)

**Section 3.7 - Time Schedules**

7. Follow-up to item No. 5: Language in the 2015 Schedule of Events states that a 47,000 cubic yard void will be left to serve as a sump at a control elevation of 2035. The "actual existing topography map" suggests that runoff will flow from the sump at an elevation of 2031. We assume the elevation difference is the planned SPGM respread depth but the elevation of the upstream toe of Pond 70 is 2029 feet and the elevation in the drainage way between Pond 70 and the sump at the section line is 2035. Please clarify this issue and include a topographic map that depicts the area where reclamation will be delayed in association with the sump reclamation and include planned cut and fill values for the reclamation delay area. (Please be reminded that the Reclamation Division has not approved altering the topography of the area in Section 24 located east of Pond 70 and the topography of this area should blend appropriately with the adjacent land located in the southwest corner of Section 19.) (GAW)

Please contact this office if you have any questions.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: Mercer County Auditor  
Oliver County Auditor