



# Public Service Commission

## State of North Dakota

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July 20, 2015

Cherie Harms  
President  
Leonardite Products, LLC  
PO Box 548  
Williston, ND 58802-0548

Dear Ms. Harms:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 7 and Renewal No. 2 to Permit GRGR-0501 at the Stony Creek Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision and renewal newspaper notice. Please respond in a timely manner so that newspaper notice publication can begin.

### **Revision No. 7 Application (SFN 10562)**

1. Please revise page 1 of the revision application as follows: (WTG)
  - a. As required by NDAC 69-05.2-11-02(1)(c), please revise the revision description to state that the revision identifies the five-year coal removal subarea that will be mined during the next five year permit term. Please also revise the revision description to state that the revision application updates the permit for Renewal No. 2. Please use an attachment if additional space is necessary.
  - b. Please remove the acreage and legal description listed on the revision application because the permit acreage and legal description is listed on the permit renewal application. Acreage and legal descriptions are only listed on revision applications when permit acreage is being added or deleted.
2. Standard Condition No. 7 to Permit GRGR-0501 requires that revision applications include a revision summary with a list of changes describing proposed modifications and indicating the pages, maps, or other sections of the permit that are revised or added. Revision applicants typically attach a separate document as a revision summary with list of changes that is updated with changes for each successive revision review. Your

revision application cover letter appears to serve the same purpose provided that changes with the revision application are described in the cover letter for each successive revision review response. At your discretion, please attach a separate document as a revision summary with list of changes that is updated with cumulative changes for each successive revision review response, or list cumulative revision application changes in the cover letter for each successive revision review response. (WTG)

### Newspaper Notice

3. Please remove the newspaper publication mark-ups (headline, body copy, etc.) that were retained on the notice from 2010. (WTG)
4. Please revise the first paragraph of the notice as follows: *“Please take notice that Leonardite Products, LLC, PO Box 548 Williston, ND 58802 as applicant has made ~~an~~ application to the North Dakota Public Service Commission for **Revision 7 and Renewal 2** ~~a revision and renewal~~ of their Surface Mining and Reclamation Operations Permit”*. (ZAB/BEB/WTG)
5. Please revise the second paragraph of the notice as follows:
  - a. Add a comma between Section 8 and T154N. (FSE)
  - b. Specify that the permit area is in the W<sup>1</sup>/<sub>2</sub> of Section 8. (WTG)
  - c. Add a statement that the revision identifies the five-year coal removal subarea that will be mined during the next five year permit term. (WTG)
  - d. Ensure that the revision description is consistent with that described on the revision application form (no changes to surface and subsurface ownership were apparently made with Revision 7, and worse case bonding should be worst case). (WTG)
  - e. The reference to the USGS quadrangle map covering the permit area is not required but it may be retained in the notice at your discretion. (WTG)
  - f. Specify that the next five-year permit term is from November 2, 2015 to November 2, 2020. (WTG)
6. Please reference the Capitol Building rather than the Capital Building in the third paragraph. (WTG)
7. Please reference revision and renewal applications in the third and fourth paragraphs rather than the reference to “*the*” or “*this*” application. (WTG)
8. Please revise the PSC address in the fourth paragraph of the newspaper notice as follows: North Dakota Public Service Commission, Reclamation Division, 600 East Blvd. Ave., Dept. 408, Bismarck ND 58505-0480. The address could also be incorporated into the narrative similar to the following if you prefer. *“Any person with an interest which is or may be adversely affected may file written comments, objections, or request an informal conference on the application with the North Dakota Public Service Commission, Reclamation Division, 600 East Blvd. Ave., Dept. 408, Bismarck ND 58505-0480 within*

*30 days of the last publication of this notice. Any request for an informal conference must include the reason for the request. (ZAB)*

9. Please revise the last sentence of the notice to reference the permit area rather than the area applied for. (WTG)
10. As required by NDAC 69-05.2-10-01(1)(b)(4), please remove the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8 parcel for surface and coal ownership because it is not within the permit boundary. (WTG/ZAB)
11. As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1)(b), please revise the newspaper notice map as follows: (WTG/BEB/FSE/ZAB)
  - a. Clearly depict the permit area boundary that is obscured by hatching and deleted parcel shading.
  - b. Enlarge the map view (reduce the scale) to depict and label all sections, Stony Creek, the Little Muddy River, the nearby Williston landfill, the intersection of Williams County Road 9 and ND Highway 1804, and the Williston city limits within the enlarged map view.

Please contact us if you have any questions.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division