



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
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Executive Secretary
Darrell Nitschke

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

July 11, 2016

Jody Mann
General Manager
Dakota Westmoreland Corporation
Beulah Mine
PO Box 39
Beulah, ND 58523-0039

Dear Mr. Mann:

The Reclamation Division has conducted a review of the June 28th responses to our technical review letter for Revision No. 30 and Renewal No. 6 to Surface Coal Mining Permit KR5B-8603. The items below must be satisfactorily addressed before the Commission will approve these applications.

General

1. DWC has eliminated existing language on pages 3.8.8 and 3.8.9 regarding former Variance Areas 8 and 9 with the latest proposed changes to the permit. Language that is being removed from the permit must be lined-through to allow Reclamation Division to determine that changes are being made. It is not acceptable to simply remove language from the permit as was done with the June 28th response to our technical review. In the future, please retain existing language that is proposed to be deleted with strike-through notation and label each page with the date and revision number that a change is being proposed. (GAW)

Section 3.1 - General Mining Plan

2. Follow-up to Item No. 5: As previously requested, please revise the Pit Layout and Facilities Map, Section 3.1.2, to clearly depict all diversions that are being used to manage runoff from this permit area. Currently, only a few diversions are shown but there are others that are not depicted, such as those in Sections 15, 16 and 17. (GAW)
3. Follow-up to Items No. 6 and 15: As previously requested, please label the individual pits in the Iron, Gold and Silver Pit areas on the Pit Layout and Facilities Map, Section 3.1.2, so that one can determine the reclamation time schedule for the pits listed in Table 3.8.2. (GAW)

14 RC-16-147 Filed 07/11/2016 Pages: 2
Second technical letter and request to update ownership and control information sent to the applicant

16 RC-16-146 Filed 07/11/2016 Pages: 2
Second technical letter and request to update ownership and control information sent to the applicant

Section 3.8 – Time Schedules

4. Follow-up to Item No. 14: As previously requested, please develop a plan that includes a table that identifies each mining related support feature within the permit area that is not currently being used to support mining activities, such as overburden and SPGM stockpiles, sediment ponds, sumps and diversions and provide a detailed estimated timeline for the removal, reshaping and final reclamation of each of these features as required by NDAC 69-05.2-09-11(4) and NDCC 38-14.1-14(2)(k). For example, please clarify when DWC is planning to remove sediment ponds 82, 83, 88 and 94 and the diversion, and SPGM stockpiles in Section 16 that are not currently being used to support mining activities. (GAW)

5. Follow-up to Item No. 17: Please review Exhibit 3.8.2 for areas mined in 2012 and 2013 in the Silver and Gold pits. The exhibit does not show a variance from the 180 day rough grading requirement under NDAC Section 69-05.2-21-01(2) or 3 year reclamation requirement under NDCC Section 38-14.1-24(14) for these areas. A variance must be requested for the 2012 coal removal area, and if DWC does not anticipate reclamation through initial seeding this year for the area mined in 2013, a variance for the 2013 coal removal area will be needed as well. The exhibit should clearly show which specific variance is in effect for the areas. (BAJ)

Please respond in a timely manner as we plan to have the revision and renewal applications on the July 20, 2016 Commission meeting for approval. This is the last scheduled meeting before the August 7, 2016 permit term expiration for this permit. Also, since we hope to recommend Commission approval of Revision No. 30 Renewal No. 6 for Permit KRSB-8603 at the July 20, 2016 Commission meeting, DWC must update the ownership and control (business entity) and violation information listed in Section 1.4 as required by NDAC 69-05.2-06-01(2)(d) and NDAC 69-05.2-06-02(6)(d), or certify, under oath and in writing, that the current information is still accurate, complete, and up to date. Any updated information submitted for the permit application will be subject to an evaluation by OSM's Applicant Violator System prior to permit approval. This information should be filed with our office no later than 1:00 pm Monday, July 18, 2016.

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch
Director
Reclamation Division

cc: Mercer County Auditor