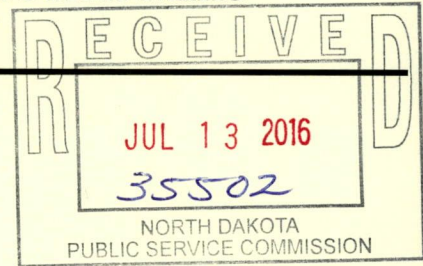




Dakota Westmoreland Corporation - Beulah Mine
A Subsidiary of WESTMORELAND COAL COMPANY



July 13, 2016

Mr. James R. Deutsch
Director, Reclamation Division
Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505-0480

Dear Mr. Deutsch:

Re: Renewal No. 6 and Revision No. 30
KRSB-8603

The following are responses to the Public Service Commission's technical review letter of July 11. Three DVDs of the revised permit are enclosed.

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)

➤ We have reinstated and struck through the language that was omitted.

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)

➤ We have added the missing diversions to Exhibit 3.1.2.

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)

➤ The individual pit areas cited in your comment have been made visible.



PO Box 39, Beulah, ND 58523-003

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Response to the second technical review letter filed by the applicant
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Response to the second technical review letter filed by 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)
 - The schedule for reclamation activities has been appended with information for the support facilities not previously addressed.

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)
 - The Gold and Silver pit variance zones that received approval in January 2016 have been added to the exhibit. We hope to reclaim the areas mined in 2013 yet this year.

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.

The narrative of Section 1.4 has also been updated to reflect recent changes.

If you need additional information, please call me at 873-4333, extension 3901.

Sincerely,

Jody Mann
General Manager

FOR
JODY
MANN

Encl/

DAKOTA WESTMORELAND CORPORATION

Mine: Beulah Mine
Permit Number: KR5B-8603
Revision No.: 30
Submittal Date: March 28, 2016
Revised Date: July 13, 2016

Revision Summary

Revision No. 30 updates the permit to reflect changes for the next 5-year permit term and to address changes to the legal and financial sections of the permit. The post-mining topo and reclamation schedule has been updated. In addition, the revision identifies the coal removal subarea that will be mined during the next 5-year permit term. Renewal No. 6 is submitted in conjunction with Revision No. 30 to renew the permit term from August 7, 2016 through August 7, 2021.

Listing of Revised Information

<u>Section</u>	<u>Revised Information and Instructions</u>
1.4	Revised narrative
3.1	Revised exhibit 3.1.2
3.8	Revised narrative and exhibit 3.8.2