



# Public Service Commission

## State of North Dakota

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August 11, 2016

Mr. Donn Steffen  
Environmental Manager  
Coyote Creek Mining Company  
6502 17th St. SW  
Zap, ND 58580

Dear Mr. Steffen:

The Reclamation Division has reviewed Coyote Creek Mining Company, LLC's letter dated August 4, 2016 regarding the required remedial actions for Notice of Violation (NOV) 1601 issued on July 21, 2016. The response to the remedial action steps requested in the NOV is incomplete. Also while the efforts taken to date and plans described are appreciated, the response does not appear to include sufficient detail to terminate NOV-1601. For our office to proceed towards terminating this NOV, the following items must be adequately addressed.

1. Please provide additional detail on how CCMC plans to monitor erosion protection on the haul road slopes and take action to add or replace ground cover materials such as mulch, blanket or cover crops until such time perennial vegetation is effective to prevent additional contributions of sediment to runoff.
2. Please provide plan and profile drawings with dimensions for the erosion protection for the culvert and pipe inlets and outlets associated with discharge points 9 and 12.
3. Please include a reference for the technical guidance or criteria used to design the erosion controls at the culvert outlets in particular the plunge pools for the culvert outlets as shown on the design drawings for the Haulroad North of County Road 12, found in Section 3.2.8 of Permit NACC-1302.
4. Please evaluate the use of temporary sumps at the outlet locations to trap and store more sediment and to provide less intensive maintenance than the side hill drainage silt fence methods until vegetation becomes established on the slopes. The sediment traps could be modified, downsized and armored to provide outlet erosion control for the long term operation of the completed haul road. Similar evaluations should be made for sumps or sediment traps up gradient of the slope drain inlets. We understand that there are traffic safety and road bed integrity considerations involved with sumps incised into the ditch area along the haul road that may also require temporary measures such as traffic barriers or signage as well as equipment to pump and haul water from the sumps following runoff events. Again, functional sediment and erosion controls

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must be provided and maintained to prevent offsite sediment deposition until vegetation is well enough established to provide adequate erosion control.

5. Please describe CCMC's efforts and plans regarding the evaluation, management and/or mitigation for areas of sediment deposition outside the permit area in coordination with the property owners and applicable regulatory agencies. This item was listed in the attachment to NOV-1601 identified as part of the long term plan described in the remedial action section; however, CCMC did not provide a response to this item.
6. Any additional information and documentation pertaining to the modification of the plans required under CCMC's authorization under NDPDES General Permit NDR32-0000 may be provided in the response to this letter as appropriate.

Also, we recommend applying fertilizer to areas along the roadway that have or will be seeded according to local technical guides for establishing perennial grasses.

If you have any questions or would like to meet to discuss the remedial action, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division

cc: Jeff Fleischman

Certified Mail

Minedata/CoyoteCreek/Violations/2016/NOV-1601/NOV\_remedial\_action\_rvw\_8-11-16