

Jangula, Esther A.

From: Gunnerson, Bill T.
Sent: Wednesday, June 28, 2017 2:56 PM
To: jnoel@westmoreland.com
Cc: Moos, Dean K.; Brinkman, Zanna A.; Jangula, Esther A.; Welch, Guy A.; Johnson, Bruce A.
Subject: PSC approval to publish the newspaper notice for the application of Revision No. 31 to Permit KRSB-8603.
Attachments: NOV-1701_signed_4-3-17.pdf

Jesse:

I'm following-up to our telephone conversation today during which we discussed the application of Revision No. 31 to Permit KRSB-8603 at the Beulah Mine. Dakota Westmoreland's June 12th responses to the completeness review for the application have addressed the items in our May 19th letter. The Reclamation Division deems the application complete and grants approval to begin newspaper notice publication. NDCC 38-14.1-18(1) specifies the notice publication requirements as follows: "*... At the time of filing an application ... The permit applicant shall place such advertisement in the official newspaper of each county wherein land to be included within the permit area lies and in other daily newspapers of general circulation in the locality of the proposed surface coal mining operation at least once a week for four consecutive weeks from the date of filing the application for a permit.*" Notices published in the Beulah Beacon (currently the official Mercer County newspaper) and the Bismarck Tribune (general circulation) will satisfy the newspaper outlet requirements. We understand that notice publication will begin on Thursday July 6th. As required by NDAC 69-05.2-10-01(4), please ensure that a copy of the application is available for public inspection at the Mercer County Courthouse by the first date of notice publication (as well as subsequent changes to the application during the technical review when they are submitted to the commission). Please submit the affidavits of publication when complete as required by NDCC 38-14.1-18(1). A letter confirming that the application is complete will be forthcoming next week.

As we also discussed, please maintain all highlighted text, strike-through, underscore, etc., indicating the proposed permit changes with Revision No. 31 with the application DVD's provided to the county auditor and the commission, with the exception of the Section 1.4 comments margin that should be removed, and please ensure that the Table of Contents hyperlinks are operable. Although we didn't discuss this item, please ensure that Section 1.4 (Business Entity Information) and Section 1.5 (Compliance Information), e.g., NOV-1701, are updated to reflect current Westmoreland Coal Company information. Westmoreland Coal Company submitted business entity information to the Applicant/Violator System office on June 21st that must be reflected in Section 1.4. It should be noted that the 21 pages of Section 1.5 appear to be duplicated as pages 36 to 56 in Section 1.4. Please submit 10 copies of the DVD application to the commission by July 10th.

With regard to our discussion of the remaining required remedial action for NOV-1701 (copy attached), please formally submit a draft version of the haul road runoff control narrative and design plans proposed for addition to the Revision No. 31 application during the technical review. NOV-1701 will be terminated when the haul road runoff control narrative and design plans (and other remedial actions) are deemed adequate.

Please let us know if you have any questions.

Bill Gunnerson
Environmental Scientist
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