

Gunnerson, Bill T.

From: Gunnerson, Bill T.
Sent: Thursday, January 18, 2018 11:47 AM
To: 'chris.mcconn@interstateeng.com'; cherie@leonarditeproducts.com
Cc: Moos, Dean K.; Brinkman, Zanna A.; Beechie, Bruce E.; Prescott, Julie S.; Ripplinger, Preston
Subject: Interstate Engineering's Leonardite Products draft revised application of Final Bond Release 1 for Permit GRGR-0501
Attachments: BR1_initial_rvw_ltr_10-25-17.pdf; GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116 .pdf; 01-08-2018 proposed newspaper notice and notification letter map.pdf; GRGR-0501 Bond Release 1 newspaper notice and notification letter map.jpg; GRGR-0501 Bond Release 1 newspaper notice and notification letter map.pdf; ND State Soil Conservation Committee contact.pdf

Hello Chris and Cherie:

I'm following-up to recent telephone conversations and email exchanges when we discussed Interstate Engineering's Leonardite Products draft revised application of Final Bond Release 1 for Permit GRGR-0501 in response to the Commission's initial application review letter dated October 25, 2017. Thanks for our opportunity to review and comment on the draft responses before the formal response is submitted. My comments are staff guidance on preparing the revised bond release application to facilitate further application review with the understanding that the revised application will undergo our normal review process during which staff or supervisors may identify additional changes.

- A. We are suggesting a number of minor changes to the application that will be identified in the order of the bond release application attachments and our October 25, 2017 initial review letter; however, two issues considered as potential delays to the newspaper notice publication, notification mailings, and bond release inspection should be addressed first.
1. Bond release boundary: As noted in our January 9, 2018 email message, a minor adjustment to the bond release boundary submitted with the September 29th application appears necessary to include all of the A and F Pit stockpiles in the bond release area along the east boundary, and to retain additional area in the mining permit for haul road access and B Pit mining operations on the west boundary. We have determined that the boundary adjustment is an incidental change rather than a substantive revision and it allows the newspaper notice publication, notification mailings, and bond release inspection to proceed with the original boundary, while a boundary adjustment is evaluated during the application's technical review that will likely require changes to page 1 of the application form (acres), and also Attachments I (tract map) and II (metes and bounds description). The bond release inspection is the opportune time to adjust the bond release boundary when Commission, Department of Health, Leonardite Products, Eco Park, and Interstate Engineering representatives would be present to identify and document the boundary adjustments.
 2. Leonardite Products agreement with Eco Park Landfill LLC to stockpile overburden for final pit reclamation: Addition of the overburden agreement with Eco Park to the bond release application has been deferred to the application's technical review as stated in the closing paragraph of the Commission's initial application review dated October 25, 2017 (copy attached).

- B. Following are suggested changes to the application identified in the order of the bond release application attachments and our October 25, 2017 initial review letter.

Application for Final Release of Bond for Surface Coal Mining and Reclamation Operations (SFN 19813)

1. It appears that revised page 1 of the application form dated 01-08-2018 has satisfied items numbered 1 and 2 of our initial application review letter dated October 25, 2017. It should be noted that for most application correction items we only require a revised page 1 of the application form. In keeping with that convention, pages 2 and 3 of the application signed on October 4, 2017 may be retained in the application.

Attachment III - Legal Advertisement

2. It appears that revised page 1 of Attachment III has satisfied items numbered 3 and 4 of our initial application review letter dated October 25, 2017; however, for clarity we ask that a minor correction be made to replace ~~*Inert Landfill*~~ with *inert waste* as indicated on page 1 of the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116*.
3. Item number 5 of our initial application review letter dated October 25, 2017 requested a revised map that would be legible at newspaper print scale and suggested a modified version of the map used for Revision No. 7 and Renewal No. 2 of Permit GRGR-0501 newspaper publication. The map provided in response is the attached file named as *01-08-2018 proposed newspaper notice and notification letter map*. This surface ownership map is not what we envisioned for the newspaper publication notice map but it will function as the surface owner map that we would be asking for during the technical review (see closing paragraph of the Commission's initial application review dated October 25, 2017 (copy attached)). Considering that the surface owner map is available, we ask that it be inserted in Attachment VII. Please refer to the Attachment VII subheading below for the specific request. In place of the surface owner map provided for Attachment III, please insert the attached map file named as *GRGR-0501 Bond Release 1 newspaper notice and notification letter map* to satisfy item number 5 of our initial application review letter dated October 25, 2017. The map is available as .jpg format for insertion in a Word document and .pdf format likely preferred by the Williston Herald.

Attachments IVa and IVb - Surface Owner and Government Agency Letters

4. Item number 6 of our initial application review letter dated October 25, 2017 stated that letters to surface owners, adjoining surface owners, and government agencies must include the same information as the public notice and further indicated that the newspaper publication notice map used to satisfy item number 5 would also satisfy item number 6. In place of the surface owner map provided for Attachment IVa and IVb, please insert the attached map file named as *GRGR-0501 Bond Release 1 newspaper notice and notification letter map* to satisfy item number 6.
5. It appears that the revised second sentence in the second paragraph of the surface owner and government agency letters has satisfied item number 7 of our initial application review letter dated October 25, 2017. For clarity, however, we ask that a minor corrections be made to replace *Inert Landfill* with *inert waste* as indicated on pages 2 and 4 of the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116*. Please also note the following suggested changes as indicated on the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116*: (a) revised surface owner address and salutation on page 2 (Lance Olson); (b) revised contact name for the ND State Soil Conservation Committee on page 3; and (c) revised contact name and title for the ND State Soil

Conservation Committee on page 5. The revised contact name and title for the ND State Soil Conservation Committee is also indicated on the attached file named *ND State Soil Conservation Committee contact*.

Attachment VII - General Information

6. Our initial application review letter dated October 25, 2017 did not identify deficient items in Attachment VII, but it appears that the revised second sentence in the last paragraph has satisfied what would have been a technical review item identical to number 7. For clarity, however, we ask that minor corrections be made to replace *Inert Landfill* with *inert waste* as indicated on page 6 of the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116*. Please also note the following suggested change as indicated on the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116* and referenced in the Attachment III subheading above: (a) add a sentence to list the surface owner of the permit area and all land adjoining the bond release area, and reference the surface owner map as indicated on page 6; and, (b) insert the surface owner map in Attachment VII and title the map as desired as indicated on page 7 of the attached file named as *GRGR-0501 FBR 1 PSC suggested changes for January 2018 initial review response 180116*.
7. Please note that changes to the bond release application attachment narratives, with the exception of Attachment III (newspaper notice and map) and Attachment IVa and IVb (surface owner and government agency notification letters) should be indicated with text color, highlighting, strike-through, underscore, or other markings identifying all proposed application changes until the bond release application is approved. Please indicate the suggested changes to Attachment VII with suitable markings. Any future changes to Attachments II, VII, or VIII should also be indicated with suitable markings.

Please let me know if you have any questions or clarifications.

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