



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Brian Kroshus  
Julie Fedorchak  
Randy Christmann

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

February 5, 2019

Mr. John Wang  
Engineer Supervisor  
Dakota Westmoreland Corporation  
Beulah Mine  
P.O. Box 39  
Beulah, ND 58523-0039

Dear Mr. Wang:

The Reclamation Division has conducted a completeness review of the application for Revision 32 to Permit KRSB-8603 at the Beulah Mine. This revision application has been deemed a significant alteration to the approved operations and reclamation plans according to NDAC 69-05.2-11-02(5) and is therefore subject to the notice, hearing and procedural requirements of NDAC 69-05.2-10 and NDCC 38-14.1-18-19 and 20. The following items must be adequately addressed before the application can be deemed complete and approval is granted to begin publication of the permit revision newspaper notices.

### **Revision No. 32 Application (SFN 10562)**

1. Please revise the description in the revision application to include all of the changes being proposed with Revision 32. In addition to revising the post mine topography of the Gold Pit, design plans for Pond 85 Sump, the reclamation-timing schedule and the worst-case reclamation cost estimate must be updated. (GAW)

### **Section 1.1 – Application and Supporting Documents**

2. Please add a copy of the Revision 32 Application to Subsection I, Application History, of Section 1.1. (PJR)
3. Please add a revision summary page for Revision No. 32 to Section 1.1(I) - Application History. Proposed changes should be listed by permit section and page number and include a brief summary of the proposed changes and reason for the proposed changes. (BAJ/PJR)

### **Revision 32 Public Advertisement**

4. Please revise the first paragraph of the public notice to indicate that the reclamation schedules of the pits Gold, Silver and Iron Pit are being revised with Revision 32. (GAW)

5. Please revise the last sentence of the first paragraph of the Revision No. 32 newspaper notice text to state as follows: "Revision No. 32 proposes to modify the post-mining topography ..."  
(WTG)
6. Please delete the reference to designating an area within the permit as unsuitable for mining in the first sentence of the fourth paragraph of the Revision No. 32 newspaper notice text because land is not being added to Permit KRSB-8603 with Revision No. 32. (WTG/GAW)
7. After deleting the reference to designating an area within the permit as unsuitable for mining, please revise the first sentence of the fourth paragraph as follows: "Written comments, objections, or requests for an informal conference on the revision application may be submitted ..."  
(WTG)
8. The following issues were identified with the surface and mineral ownership listings in the public advertisement compared to the Property Interests listings in subsection B of Section 1.4 of the permit (pages 1.4.43 through 1.4.48). Please review and correct the public advertisement of Section 1.4 of the permit so the ownership information is correct and identical.  
(GAW/PJR/WTG)
  - a. The public advertisement lists Priscilla Keogh Trustee as a coal owner of the S $\frac{1}{2}$  of Section 15, but page 1.4.43 of Subsection B of Section 1.4, Property Interests, indicates Robert A. Keogh Mineral Trust as a coal owner.
  - b. The public advertisement lists Leona Weil as the surface and coal owner of the N $\frac{1}{2}$  of Section 21, but page 1.4.44 of Subsection B of Section 1.4, Property Interests, does not identify Leona Weil as a surface or coal owner.
  - c. The public advertisement lists Ron Gunsch as the surface owner of the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 22, but Subsection B of Section 1.4, Property Interests, indicates Ron and Janice Gunsch as surface owners.
  - d. The public advertisement identifies Eugene Weigel as the coal owner of the SW $\frac{1}{4}$  of Section 23, but page 1.4.45-6 of Subsection B of Section 1.4, Property Interests, lists 18 individuals as coal owners.
  - e. Please include surface and coal ownership of the NW $\frac{1}{4}$  of Section 22 in the public advertisement since this property is affected by the revision application.
  - f. Please include surface and coal ownership of the NE $\frac{1}{4}$  of Section 19 and N $\frac{1}{2}$  of Section 29 in the public advertisement since the reclamation schedules for the Silver and Iron Pit areas might be affected with this revision.
9. The acreage associated with Emmaus Cemetery in the northeast corner of Section 29 is depicted within the permit on the map included with the public notice. Please correct the permit boundary at this location and depict and label the cemetery on the map as required by NDAC 69-05.2-10-01. (GAW)
10. Please depict the boundaries of the areas affected by Revision 32 and label the Gold, Silver and Iron Pit areas on the public notice map as required by NDCC 38-14.1-18. (GAW/WTG)

### **Section 1.4 – Business Entity Information**

#### **Subsection B – Property Interests**

11. Please review pages 1.4.49 and 1.4.50 of Subsection B, Property Interests, to ensure all current surface owners' names are listed and their mailing addresses are correct. (GAW)
12. Please insert a copy of the approved public notice and map for Revision 32 into Section 1.4 (I) of the permit.

### **Section 2.2 – Surface Water Hydrology Inventory and Monitoring**

13. Please update Subsection C, Probable Hydrologic Consequences of Mining, to address postmining watershed changes in the Gold Pit proposed with Revision 32. Subsection C of Section 2.2 refers the reader to Subsection D of Section 23 where both the surface and ground water PHC is actually located in the permit. (GAW)

### **Section 3.1 – General Mining Plan**

14. DWC is proposing changes to Section 3.1, General Mining Plan, but it does not appear that DWC used the currently approved version (Revision 31). The approved version states that the Beulah Mine is expected to produce 0.4 to 0.5 million tons per year not 2.4 to 3.0 million tons as indicated at the top of page 2, and the approved version contains 17 not 16 pages. Please remove Section 3.1, insert the approved Revision 31 version of the permit, and make the proposed changes. (GAW)
15. Please update the Pit Layout and Facilities Map, Exhibit 3.1.2, to depict where coal was mined in 2018 and review the accuracy the of the 2017 coal removal subarea. (GAW)

### **Section 3.2 – Water Management Plan**

16. Please update the Water Management Plan, Section 3.2, to discuss the re-construction of Pond 108 to contain runoff from the final Gold Pit reclamation area. (GAW)
17. Please update the Water Management Plan, Section 3.2, to include design plans for reconstructing the Pond 85 Sump. (GAW)

### **Section 3.5 – Backfilling and Grading**

18. Please include narrative in Part H of Section 3.5 to describe why the proposed Gold Pit Cross Section Volume Computations are changed. The narrative should discuss why the approved topography cannot be achieved, and must provide justification for the change. If there is a volume shortage, calculations should be included to show that the proposed topography can be achieved by using the current existing volumes of spoil. (BAJ)
19. DWC sent several draft Gold Pit post mine topo maps (Exhibit 3.5.3) to the Reclamation Division to review in 2018. The most recent draft was received in September 2018 and was discussed during a conference call held on November 28, 2018; the Reclamation Division indicated the

September draft of Exhibit 3.5.3 with the file name Beulah PMT 11\_2018 D4.dwg may be acceptable with some further changes. The post mine topo map, Exhibit 3.5.3 included with the Revision No. 32 application is not the September draft of the post mine topography, but appears to be an earlier draft that we rejected. Please submit the September draft of Exhibit 3.5.3 and update Exhibits 3.5.1a, 3.5.2a, 3.54a and 3.54b if necessary. (BAJ/GAW)

**Section 3.8 – Time Schedules**

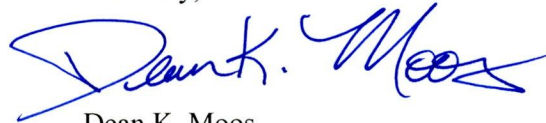
20. Please update Section 3.8, Time Schedules and Exhibit 3.8.2, Special Variance Zones, as necessary to clarify when grading, SPGM respreading and seeding will be completed on all areas remaining to be reclaimed in the Gold, Silver and Iron Pit areas. Reclamation of these areas has not been completed in accordance with the approved reclamation plan, which makes the worst-case reclamation cost estimate and reclamation schedule incorrect. Table 3.8.2, Time Schedules, currently indicates that all reclamation through initial seeding was to be completed in 2018 in the Silver Pit, Gold Pits 44 through 50 and a portion of the West Iron Pit, which did not occur. (GAW/PJR)
  
21. Please update the narrative associated with Special Variance Zones 6, 9, 12, 13, 14 and part of 4 to clarify when reclamation will be completed in these areas. Reclamation timing language currently in the permit is outdated and it appears some areas of 2016 coal removal may need a variance from the three-year seeding rule. (GAW)

**Section 3.9 – Reclamation Cost Estimates and Performance Bond**

22. Please update the Reclamation Cost Estimates and Performance Bond calculations in Section 3.9 and determine the projected worst-case time-period. Update Exhibit 3.9.1, Worst Case Range Diagrams, and Exhibit 3.9.2, Worst Case Topography, as necessary. (BAJ/GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

cc: Jeff Provenza