



Public Service Commission

State of North Dakota

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March 18, 2020

Mr. Scott Aberle
General Mine Manager
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Aberle:

The Reclamation Division has conducted a second completeness review of the application for Revision No. 32 to Permit KRSB-8603 at the Beulah Mine in response to your January 31, 2020 submittal. As previously stated, the 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.

Section 1.1 – Application & Supporting Documents

1. Follow-up to Item to No. 2 of the February 5, 2019 completeness review letter: Please lock the PDF version of the revision application so it cannot be accidentally altered. (PJR)

Section 1.4 - Business Entity Information Subsection I - Permit Application Advertisement

2. Follow-up to Item No. 8d. of the February 5, 2019 completeness review letter: Please correct the discrepancy that remains between Eugene Weigel listed as the only coal owner for the SW $\frac{1}{4}$ of Section 23 in the Revision No. 32 advertisement, and the 18 coal owners listed for the SW $\frac{1}{4}$ of Section 23 in the Property Interests subsection on pages 1.4.18-19 of Section 1.4. (WTG)
3. Follow-up to Item No. 8e. of the February 5, 2019 completeness review letter: Please correct the discrepancy that exists between Ronald and Janice Gunsch listed as the only joint surface owners for the NW $\frac{1}{4}$ of Section 22 in the Revision No. 32 advertisement, and the three joint surface owners listed for the NW $\frac{1}{4}$ of Section 22 in the Property Interests subsection on page 1.4.18 of Section 1.4. (WTG)
4. Follow-up to Item No. 8f. of the February 5, 2019 completeness review letter: Please correct the discrepancies that exist between surface and coal ownership listed for the NE $\frac{1}{4}$ of Section 19 in the Revision No. 32 advertisement, and the surface and coal ownership listed for the N $\frac{1}{2}$ of

Section 19 in the Property Interests subsection on page 1.4.17 of Section 1.4. Please also correct the spelling for Voigt ownership. (WTG)

Section 3.2 – Water Management Plan

5. Follow-up to Item No.14 of the February 13, 2019 midterm review letter: DWC responded to this item by stating that Exhibit 3.2.7, **Pond 85**, has been updated to include as-built drawings for **Pond 85 Sump**. Exhibit 3.2.7 cannot be opened because the exhibit is either not a pdf or is corrupt. Please include a working copy of Exhibit 3.2.7 in the permit. (GAW)
6. Follow-up to Item No.14 of the February 13, 2019 midterm review letter: DWC responded to this item by stating that Exhibit 3.2.7, Pond 85, has been updated to include as-built drawings for Pond 85 Sump. However, Exhibit 3.2-40 contains information for Pond 85 Sump not Exhibit 3.2.7. Please review and updated Exhibits 3.2.7 and Exhibit 3.2.40 accordingly. (GAW)
7. Follow-up to Item No.15 of the February 13, 2019 midterm review letter: Please include revised design plans for reconstructed sediments ponds 104, 105, 106 and 108 or clarify if these ponds will be re-constructed as originally designed. Each pond's narrative should include a reconstruction timeline and plans describing surface water management after each pond was initially affected by mining. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos
Director
Reclamation Division