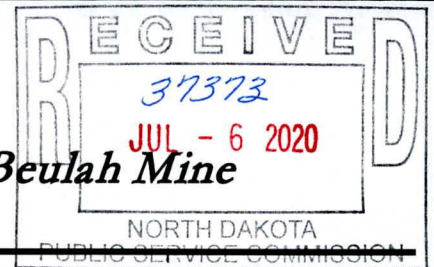




Dakota Westmoreland Corporation - *Beulah Mine*
A Subsidiary of WESTMORELAND COAL COMPANY



July 2, 2020

Dean K. Moos
Director Reclamation Division
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Moos:

Attached are (a) the responses to both the mid-term review to permit KRSB-8603 dated March 18, 2020, (b) the completeness review for Revision 32 to permit KNSB-8603, and (c) three copies of the updated electronic permit KRSB-8603. Overall, the responses to both documents and the updated permit include changes necessary because of the IRP issued by MDU. The IRP essentially changed all facets of the permit because of the shortened mine life. Please feel free to contact me should you have any questions.

Sincerely,

Jesse Noel, P.E.
Director, Environmental & Regulatory
U.S. Operations
Westmoreland Mining LLC

Cc: Scott Aberle

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Company response to second completeness review letter
Coteau Properties Company
Jesse Noel



July 2, 2020

**Comment/Response to Mar. 18, 2020 PSC Letter
Completeness Review of Revision 32**

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.

Section 1.1 – Application & Supporting Documents

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

Response: The revision application has been resubmitted so that it cannot be edited.

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 ¼ of Section 23 in the revision No. 32 advertisement, and the 18 coal owners listed for the SW ¼ of Section 23 in the Property Interests subsection on pages 1.4.18-29 of Section 1.4. (WTG)

Response: Revision No. 32 advertisement has been updated to match the property interest section in Section 1.4

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 ¼ of Section 22 in the Revision No. 32 advertisement, and the three joint surface owners listed for the NW ¼ of Section 22 in the Property Interests subsection on page 1.4.18 of Section 1.4. (WTG)

Response: Revision No. 32 advertisement has been updated to match the property interest section in Section 1.4

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 ¼ of Section 19 in the Revision No. 32 advertisement, and the surface and coal ownership listed for the N ½ of Section 19 in the Property Interests subsection on page 1.4.17 of Section 1.4. Please also correct the spelling for Voight ownership. (WTG)

Response: Revision No. 32 advertisement has been updated to match the property interest section in Section 1.4. The spelling of Voigt has been corrected.

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)

Response: A working copy of Exhibit 3.2.7 has been added to the permit.

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)

Response: *The as-built drawing for the Pond 85 Sump has been removed from Exhibit 3.2.7 and placed into Exhibit 3.2.40.*

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)

Response: *Ponds 104, 105, 106, and 108 are currently being re-designed. The re-design will utilize existing conditions to minimize dirt movement. The ponds will be reconstructed in 2020 given PSC approval of the updated designs.*