



Public Service Commission

State of North Dakota

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Sent via email only

May 25, 2021

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Mr. Jesse Noel, P.E.
Director, Environmental & Regulatory
Westmoreland Beulah Mining LLC
Beulah Mine
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Dear Mr. Noel:

The Reclamation Division has reviewed DWC's April 30, 2021 response to our March 16, 2021 technical review letter of Revision 32 to Permit KRSB-8603. The following items must be resolved prior to this office recommending Commission approval. Please be reminded that a timely response is necessary because this revision must be approved prior to the approval of Revision 33 and Renewal 7 to Permit KRSB-8603.

Table of Contents

1. Please update the Table of Contents to include Exhibits 3.2.70 and 3.2.71. (GAW)

Section 3.2 – Water Management Plan

2. Follow-up to Item No. 16 of our technical review letter dated March 16, 2021. Please revise the Pond 85 narrative on page 12 of Section 3.2 to indicate that the pond P85 Sump will be retained until Sediment Ponds 112 and 113 have been constructed. (GAW)
3. Follow-up to Item No. 16 of our technical review letter dated March 16, 2021. Please depict the Pond P85 Sump on the Water Management Plan Map, Exhibit 3.2.1 since this feature needs to be retained until sediment ponds P112 and P113 have been constructed. (GAW)

Section 3.5 – Backfilling and Grading

4. Follow-up to Item No. 25 of our technical review letter dated March 16, 2021. The Reclamation Division continues to have concerns about whether the approved post mining topography can be achieved in the Gold Pit since the volumetrics provided by WBM show a 777,250 cubic yard deficit. The volumetric analysis provided by DWC indicates a total cut of 4,679,957 yd³ and fill of 5,457,208 yd³ (net -777,251 yd³) is needed to achieve post mine topography in the Gold Pit area. This calculation included approximately 550 acres (portions of Sections 15, 21, 22 & 23), used a cut swell factor of 1.10, and included all available material within the 550 acres (spoil and SPGM). Using the same parameters as DWC, the PSC calculations show that approximately 751,000 yd³ of total material is needed to reach the post mine topography within this area. However, approximately 190 of the 550 acres used in WBM's calculations have already been reclaimed (namely Section 15, the NW¹/₄ of Section 22, and the NE¹/₄NE¹/₄ of Section 21) and should be excluded from the calculation unless DWC is proposing to re-affect these areas.

Our calculations using only the 360 acres of un-reclaimed area in the Gold Pit in Sections 22 and 23, a cut swell factor of 1.10, and all available material in Sections 22 and 23 (spoil and SPGM) show that approximately 2.3 million cubic yards of total material (both spoil and SPGM) is needed in this area. Please revise the Post Mining Topography map, Exhibit 3.5.3, such that the cut and fill volumetrics in the Gold Pit are balanced. Post mining elevations should only be lowered on areas of coal removal that have not been reclaimed and a spoil swell factor should not be re-applied to spoil that is rehandled. (SMN/GAW)

5. Follow-up to Item No. 25 of our technical review letter dated March 16, 2021. Correspondence submitted with the 2020 Annual Mine Map indicates that DWC intends to remove SPGM from approximately 29.4 acres of land adjacent the Gold Pit highwall in 2021. Please clarify if DWC is intending to back slope the highwall and revise the Post Mining Topography map, Exhibit 3.5.3, accordingly if DWC intends to alter the topography along the highwall. (GAW)

Section 3.9 – Reclamation Cost Estimates and Performance Bond

6. The November 2020 variable costs in Policy Memorandum No. 16 to Mine Operators were not used to calculate the reclamation costs in Table 3.9.11, Worst Case and Total Bond Summary. Please update the table using the 2020 updated variable costs. (SMN/GAW)
7. In Table 3.9.11, Worst Case and Total Bond Summary, please revise the total dozer hours to reflect the total hours shown in Table 3.9.2, Dozer Production Estimate, and then update the associated total and cumulative costs accordingly. (SMN/GAW)
8. Follow-up to Item No. 47 of our technical review letter dated March 16, 2021. Please revise Exhibit 3.9.2, Worst Case Bond Map, to show where SPGM will need to be respread in the worst-case bond scenario. The Reclamation Division can provide you with an AutoCAD file of areas needing SPGM that was created using DWC's 2018 Annual Mine Map. If this information cannot be depicted on Exhibit 3.9.2, perhaps an additional exhibit should be created. (GAW)
9. Follow-up to Item No. 47 of our technical review letter dated March 16, 2021. The Worst-Case Bond Approximate Spoil Disturbance boundary is not shown on Exhibit 3.9.2, Worst Case Bond Map, even though it is listed as a red line in the legend. Please clarify the difference between the "Worst-Case Mining Disturbance" line and the "Worst Case Bond Approximate Spoil Disturbance" boundary. Perhaps the Worst-Case Bond Approximate Spoil Disturbance boundary line could be relabeled Worst Case Disturbance boundary to show where SPGM respread will be needed. (GAW)

If you have any questions, please contact this office.

Sincerely,



Dean K. Moos

Director
Reclamation Division

cc via email only: Scott Aberle (saberle@westmoreland.com)