



Public Service Commission

State of North Dakota

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June 18, 2021

Mr. Jesse Noel, P.E.
Director, Environmental & Regulatory
Westmoreland Beulah Mining LLC
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039
jnoel@westmoreland.com

Dear Mr. Noel:

The Reclamation Division has reviewed DWC's June 2, 2021 response to our May 25, 2021 review of Revision 32 to Permit KRSB-8603. The following items must be addressed prior to recommending Commission approval and Revision 32 must be approved prior to Renewal No. 7.

Table of Contents

1. Within the table of contents, the link to *3.9 Reclamation Cost Estimates and Performance Bond* is linked to the wrong pdf. There are two narrative files the directory "Section 3.9 Reclamation Cost Estimates and Performance Bond" ("_Narrative 3 9.pdf" and "_Narrative 3.9.pdf"). Both of these files are date stamped "May 2021" in the page footers; however, one of these files appears to be the same version as the previous submittal. Please remove the outdated file, update the date stamps with the latest version, and update the link in the table of contents. (SMN)

Section 2.2.7 – Surface Water Hydrology Inventory and Monitoring

2. Follow-up to Item No. 4 of our letter dated May 25, 2021: Please update the topography of the Gold Pit on the Surface Water Monitoring Map, Exhibit 2.2.7, so that it is consistent with Exhibit 3.5.3, Post Mining Topography. (GAW)

Section 2.7 – Land Use

3. Follow-up to Item No. 4 of our letter dated May 25, 2021: Please update the topography depicted on the Post Mining Land Use Map, Exhibit 2.7.2 so that it is consistent with Exhibit 3.5.3, Post Mining Topography. (GAW)

Section 3.1 – General Mining Plan

4. Please update the Pit Layout and Facilities Map, Exhibit 3.1.2, to accurately depict the "projected disturbance" boundary. The "life of mine approximate disturbance" boundary on the

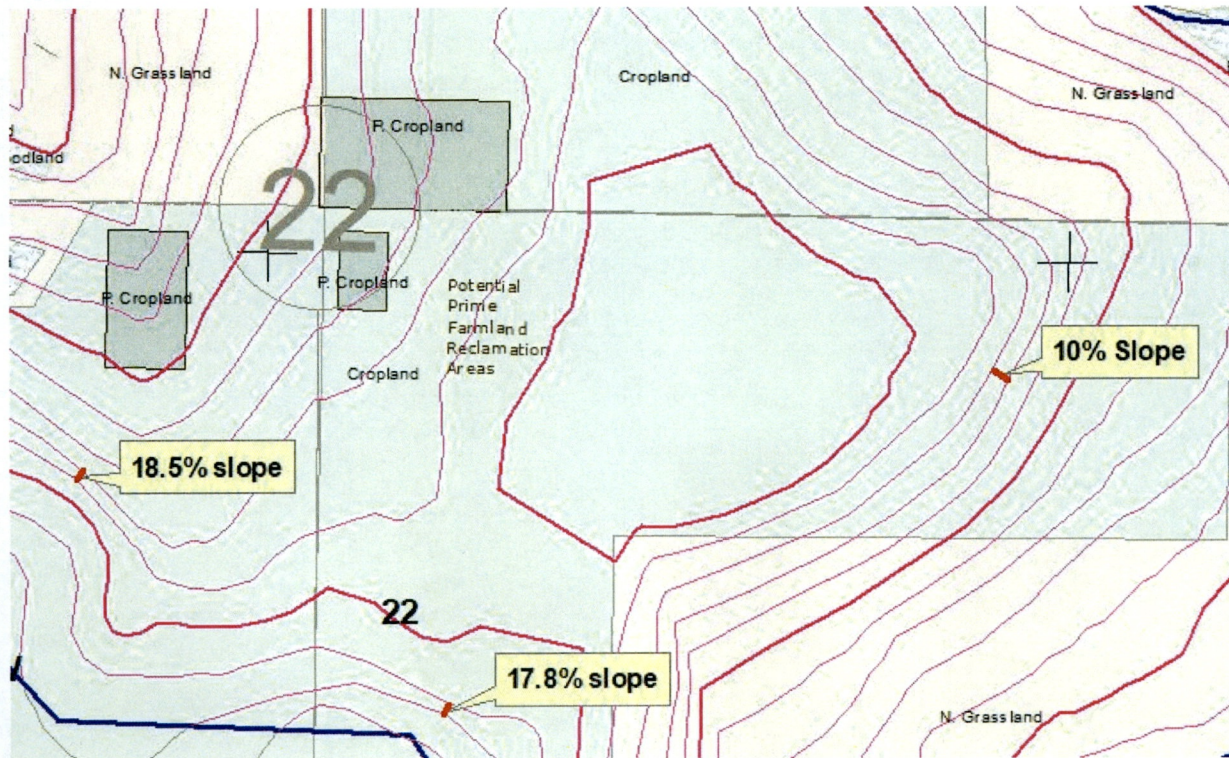
Post Mining Topography map, Exhibit 3.5.3 could be used as the “projected disturbance” boundary. (GAW)

Section 3.2 – Water Management Plan

5. Follow-up to Item No. 4 of our letter dated May 25, 2021: Please clarify how runoff from the N1/2 of Section 22 will be routed to sediment pond P112. According to the post-mining topography, runoff from the N1/2 and a portion of the SE1/4 of Section 22 will drain to sediment pond P113 rather than P112 without the aid of a diversion. If a field engineered diversion is planned, it should be described in the narrative description of the sediment pond and depicted on the Water Management Plan Map, Exhibit 3.2.1. (GAW)
6. Follow-up to Item No. 4 of our letter dated May 25, 2021: Sediment pond P112 has been designed to control runoff from 209 acres in the E1/2 of Section 22 but the watershed above this pond includes land in the SE1/2 of Section 21, the NE1/4 of Section 28 and the NW1/4 of Section 27 that is not accounted for in the design. Please revise the design to include the expected runoff from the entire watershed. (GAW)
7. Please revise the design of sediment pond P113 so that the principal spillway can handle expected runoff from the entire watershed, including the watershed above sediment pond P112 since these ponds are in series and clarify how runoff from the emergency spillway will pass through County Road No. 12. Please also demonstrate that sediment pond P113 can handle the expected runoff from the entire reclaimed watershed excluding the area impacted by sediment pond P112. This is needed so that sediment pond P112 can be reclaimed a year or two prior to the removal of sediment pond P113. (GAW/SMN)
8. Follow-up to Item No. 4 of our letter dated May 25, 2021: Please review the design of sediment pond P108 and diversion ditches D108E and D108W to ensure they are properly designed to handle runoff from the revised Post Mining Topography. (GAW)
9. Original design information for sediment ponds P105 and P106 is being replaced with new reconstruction design information. Please retain the original design information of these ponds in the permit, Exhibits 3.2.68 and 3.2.69, and add the new reconstruction design information into the permit while retaining historic information. Perhaps reconstructed sediment ponds P105 and P106 should be labeled with an “R” to signify reconstruction, P105R.
10. The design information for diversions D105N, D106E and D106W is being removed from the permit and replaced with “collector ditches”. Please retain the original design information of these diversions in the permit and provide information showing how the collector ditches will route runoff to sediment ponds P105 and P106 while the post-mining topography is achieved. (GAW)

Section 3.5 – Backfilling and Grading

11. The Reclamation Division has identified three small areas in the S1/2 of Section 22 where the slope of reclaimed cropland exceeds 9 percent. The image below depicts the areas of concern. Please revise the Post Mining Topography map, Exhibit 3.5.3, to reduce slopes in these areas to less than 9 percent. (GAW)



12. Please label the elevations of the contour lines on the Post Mining Topography map, Exhibit 3.5.3. (GAW)
13. Please label the elevations of the major contour lines of the Gold Pit Area on the Post Mining Slope Contours map, Section 3.5.4b. (GAW)

Section 3.9 – Reclamation Cost Estimates and Performance Bond

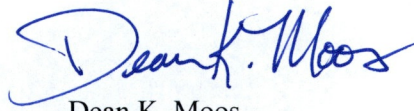
14. Follow-up to Item No. 6 of our letter dated May 25, 2021: The November 2020 variable costs in Policy Memorandum No. 16 to Mine Operators were not used to calculate the reclamation costs in Table 3.9.11, Worst Case and Total Bond Summary. Please update the equipment cost in the table using the 2020 updated variable costs specified in subsection A(1) on page 1 of Section 3.9. (GAW/SMN)
15. Follow-up to Item No. 7 of our letter dated May 25, 2021: DWC responded to our request to revise Table 3.9.11, Worst Case and Total Bond Summary, to show the total dozer hours listed in Table 3.9.2, Dozer Production Estimate, by stating that the amount of work completed in the Gold Pit was inadvertently left off the Table. Please clarify why the hours of work completed in the Gold Pit are being used in Table 3.9.11 if the worst-case bond timeline is December of 2021. (SMN/GAW)

Revisions No. 32 and 33 will need to be approved prior to Renewal No. 7. The current term of this permit will expire on August 7, 2021.

Mr. Jesse Noel
June 18, 2021
Page 4

Please provide a response to this letter in a timely manner. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Dean K. Moos". The signature is stylized with a large, looped initial "D" and a cursive "K" and "M".

Dean K. Moos
Director
Reclamation Division

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

Beulah Mine (Dakota Westmoreland)\Permits\KRSB - 8603\Revisions\No. 32\4th_Tech_Rvw_Ltr_6-18-21