

PUBLIC SERVICE COMMISSION

Abandoned Mine Lands Division

Memorandum

TO: Commissioners Kroshus, Fedorchak, and Christmann
Steve Kahl, Executive Secretary
John Schuh, General Counsel

From: Dean K. Moos and Jonathan Emmer

Date: August 19, 2020

Subject: Change Orders for the 2020 Hettinger and Stark Counties Project, Case No. AM-20-180

On June 10th, the Commission entered into Contract No. AM-827-20, for \$321,478.30, with Dan Hart Patrol Service, LLC. of Upton, WY for the 2020 Hettinger and Stark Counties AML Project. This project involves the elimination of dangerous highwalls at four abandoned surface mines in Hettinger and Stark Counties. About 186,700 cubic yards of spoil material will be used to backfill the highwalls and about 30 acres will be reclaimed at the four sites.

Work has been progressing concurrently at two of the four mine sites – the Regent and Buresh Mines. The Regent mine is located a couple miles northwest of Regent, ND and the Buresh mine is located a few miles northwest of Dickinson, ND. The projects are moving along at a good pace, but due to unforeseen site conditions at both sites, a change order will be needed to pay the contractor for the extra work required.

The Buresh Mine has been used as an illegal dumping site for over the last fifty years. The trash was clearly visible when the site was initially surveyed and when the contractor submitted their bid, but it quickly became apparent that more trash was present than initially anticipated once work began. Once the contractor started to sort and haul out the waste, a large amount of waste was discovered partially buried in the open pit that would require more effort and costs than initially anticipated.

The Regent Mine has been progressing along very well, but some unforeseen site conditions have slowed down the progress. The design calls to backslope the northwest highwall to the southwest. The contractors began backsloping the area with scrapers but encountered a rock layer that is approximately 6" thick along with boulders buried in the ground. The presence of rocks slowed down the progress and increased the cost because the contractor could no longer use scrapers and now have to use bulldozers instead. They have been backsloping the northwest highwall for several days with a Caterpillar D9 dozer and some of the boulders are as tall as the front blade of the D9. The presence of the rock ledge and boulders was not anticipated because the highwall was covered with vegetation and the boulders were buried.

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The AML Division requests Commission authorization to increase the contract by a dollar amount of \$90,000 (approximately 28% of the contract) to account for the extra work required. This will allow the contractor to remove the additional buried waste at the Buresh Mine and continue backsloping the highwall at the Regent Mine. We have more than enough federal funds in our current construction grant for this additional work under this contract. Dan Hart Patrol Service, LLC. is willing to do the additional work under terms of the original contract.

Attached is a motion for the August 26 Commission meeting to allow staff to issue additional change orders to increase the amount of Contract No. AM-827-20 with Dan Hart Patrol Service, LLC. for an additional amount of \$90,000. Change orders will only be issued as needed for additional work under this contract.