

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Falkirk Mining Company
Variance, Permit NAFK-8405
Application

Case No. RC-21-158

VARIANCE TO THE PERFORMANCE BOND LIABILITY
PERIOD OF A SURFACE COAL MINING PERMIT

June 23, 2021

Based on the application initially received April 27, 2021, a variance to the Ten-Year Performance Bond Liability Period for a portion of Permit Number NAFK-8405 is hereby granted to The Falkirk Mining Company to combine the performance bond responsibility period for two reclaimed stockpile areas with that of the surrounding reclamation tracts for the following described area:

Approximately 11.3 acres of reclaimed cropland within a tract of reclaimed lands located in the SW¹/₄ of Section 22, T146N, R82W, McLean County.

Based on the application for the variance to Permit Number NAFK-8405 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The Falkirk Mining Company has affirmatively demonstrated that reclamation of areas revegetated in 2014 will provide equal or greater protection to the environment and to public health and safety;
2. The Commission has determined that all areas are reclaimed and that vegetation is established as required by the approved reclamation plan; and
3. The Falkirk Mining Company must satisfy all reclamation success standards described in NDAC Chapter 69-05.2-22 when final bond release is requested.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Julie Fedorchak
Chair



Brian Kroshus
Commissioner