

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Public Service Commission
Clyde Eisenbeis
Complaint

Case No. RC-22-339

NOTICE OF FORMAL HEARING

September 1, 2022

Preliminary Statement

The Public Service Commission (Commission) received a Formal Complaint on August 3, 2022, a revised Formal Complaint on August 4, 2022, and a request for a Formal Hearing on August 5, 2022, from Clyde Eisenbeis, Allen Eisenbeis, and JoAnn Crabtree (Eisenbeis family) who own land adjacent to The Coteau Properties Company's Freedom Mine Surface Coal Mining Permit No. NACT-9501 that covers 6,525.7 acres of land located in portions of Sections 30, 31, and 32, T146N, R87W; Sections 14, 15, 16, 22, 23, 25, 26, 27, 34, 35, and 36, T146N, R88W in Mercer County. Permit No. NACT-9501 was approved by the Public Service Commission on April 3, 1996. All coal has been removed and the permit is in reclamation status.


The Eisenbeis family alleges the mine installed a path for surface water to flow onto their property in the NW1/4 of Section 34, T146N, R88W; the mine restricted access to farmland by modifying the county road ditch and diversion outside the permit area without proper permits; that pond overflows and discharges caused erosion and flooding; that mine operations resulted in the loss of acreage and crop income; that surface water from ponds and discharges is seeping into the groundwater which is raising the water table and contaminating the aquifer with sulfur; and other related concerns as stated in the August 4th Formal Complaint. The complaint cites North Dakota Century Code 38-14.1-01, 38-14.1-01(1), 38-14.1-02, 38-14.1-02(17), 38-14.1-02(19), 38-14.1-02(34), 38-14.1-02(35)(a) and (b), 38-14.1-14, 38-14.1-14(1), 38-14.1-21(3)(c), 38-14.1-24, and 38-14.1-24(8); North Dakota Administrative Code 69-5.2-01, 69-05.2-01-02, and 69-05.2-01-02(1); and Policy Memorandum 6, Activities Covered by Surface Coal Mining Permits.

Notice of Formal Hearing

Notice is hereby given that the captioned matter is set for a Formal Hearing, commencing at **8:30 a.m. CST**, on **September 1, 2022**, in the Public Service Commission's Hearing Room, 12th Floor, State Capitol, Bismarck, North Dakota.

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

PUBLIC SERVICE COMMISSION



Steven Kahl
Executive Director

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