



Public Service Commission

State of North Dakota

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December 20, 2022

Ms. Melody Smith
Environmental Specialist
American Colloid Company
P.O. Box 2010
Belle Fourche, SD 57717
Melody.Smith@mineralstech.com

Dear Ms. Smith:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit ACPG-9701 for the American Colloid Mine. Revision No. 12 to ACPG-9701 was received on November 25, 2022, in response to the Reclamation Division's August 24, 2022 permit pre-renewal review. The revision identifies the next 5-year coal removal subarea; therefore, the revision and renewal are considered significant and are subject to the public notice requirements of NDCC 38-14.1-18 and NDAC 69-05.2-10-01. Please note that the follow-up items reference the item as numbered in the August 24, 2022 pre-renewal review letter. The following items must be addressed prior to the application being deemed complete and prior to publishing the newspaper notice:

Section 1.1.1.1(i) - Revision 12 Application Form – SFN 10562

1. The description of the surface coal mining and reclamation operation being revised on the revision application form (SFN 10562) appears to be cut off. Please reduce the font size in the description box or attach a separate sheet that includes the entire description of the surface coal mining and reclamation operation being revised. (JAR)

Section 1.1.3 – Revision Filing List

2. Please include Section 1.1.3.12, Revision 12, filing instructions to include all sections of the permit being modified with Revision No. 12. Currently, this section is blank or encrypted so it is not viewable. (JWE)

Section 1.2 – Legal Information

3. Please revise the public notice for Revision 12 and Renewal No. 5 to mention that a variance from the contemporaneous reclamation requirements is being requested for a portion of the Tompkins Mine Area. (GAW)
4. Please correct the acreage of the permit to 656.7 acres in the public notice. (ZAB)

5. Please incorporate the appropriate Permit Area Map and Newspaper Notice into Sections 1.2.2 and 1.2.4, respectively, of the permit as required by NDCC 38-14.1-18. (MJF, JAR)
6. Please include the county where the permitted area is located in the public notice – Section 1.2.4(g). We also suggest removing references to the Gascoyne and Reeder USGS Quadrangle Maps. (JAR)

Section 3.1 – Operation Plan General

7. Follow-up to Item No. 7: Please update the Pit Layout and Facilities Map, Section 3.1.3(c) to depict the actual pits mined through 2022 and the pits proposed for mining in the next permit term at Tompkins Mine. (MJF)
8. Follow-up to Item No. 13: The Pit Layout and Facilities Map (Page Mine Area) – Section 3.1.3(a) depicts the sediment pond that has been reclaimed and NDPDES discharge points that may no longer be applicable for this mine site. Please update the Pit Layout and Facilities Map – Section 3.1.3(a) to address the pre-renewal technical items specific to the Page Mine Area. (JAR)

Section 4.2 – Reclamation General

9. Please update section 4.2.2(c) Reclamation Schedule at the Tompkins mine to show requests for variances of the contemporaneous reclamation requirements requested at the Tompkins Mine Area. (GAW)

Please respond to the completeness deficiencies in a timely manner so we can approve publication of the notice as soon as possible. If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman
Director
Reclamation Division