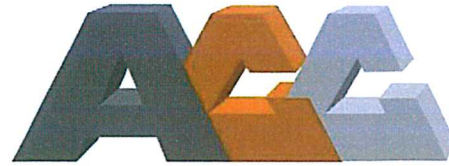


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AMERICAN COLLOID COMPANY

PERMITTING & RECLAMATION DEPARTMENT
P.O. Box 2010 • Belle Fourche, South Dakota 57717
PH. (605) 892-6950 • FAX (605) 892-6979

December 28, 2022

Ms. Zanna Brinkman
Director – Reclamation Division
North Dakota Public Service Commission
600 East Boulevard Ave.
Bismarck, ND 58505-0480

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**RE: Permit ACPG-9701 Revision 12 and Renewal 5 Completeness Review
Comment Response to PSC Comments Dated 12/20/2022.**

Dear Ms. Brinkman:

Please find enclosed **one thumb drive (encryption code ACCRev12)** providing an electronic file of American Colloid Company's (ACC's) *Permit ACPG-9701 Revision 12: Renewal and Revision*. This information is provided in response to renewal completeness review comments from the PSC dated December 20, 2022 for the Revision 11 permit which will expire on April 22, 2023.

The following items need to be addressed prior to renewal/revision approval; a copy of the PSC comment and ACC's response (tan shading) are provided below.

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(l) - 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)
The referenced text in Section 1.1.1.1(l) was modified to fit into the PDF form box.

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)

The faulty Section 1.1.3.12 has been further updated and replaced.

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)

Section 1.2.4(g) has been revised as requested.

4. Please correct the acreage of the permit to 656.7 acres in the public notice. (ZAB)

Section 1.2.4(g) has been revised as requested.

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)

The public notice has been added as Section 1.2.4(g), and that section has been added to the Section 1.2 Table of Contents. The update need referenced for Section 1.2.2 is unclear as no area is being added to the permit with this Renewal/Revision.

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 1.2.4(g) has been revised as requested.

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)

Section 3.1.3(c) has been updated as requested. The date remains November 2022 as it was completed at that time but not copied into the permit.

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)

The map has been re-created in GIS so appears visually different; the NDPDES discharge points and silt fence locations have been removed from the Section 3.1.3(a) Pit Layout and Facilities Map (Page Area) as requested.

Additional:

Section 4.1.4(a) – Reclamation General

Landowner post-mining preference statements for retention of the road listed in the short form ROW on the Page area as a farm access road with a graveled surface have been added. This road provides access to the Perkins area as well.

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)

Section 4.2.2(c) has been updated as requested.

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.

Please contact me at (307)-696-3543 (cell) or melody.smith@mineralstech.com with any questions.

Sincerely,



Melody Smith
Environmental Specialist
Performance Materials
American Colloid Company
Division of Minerals Technologies Company



cc: Rob Robbins and Blake Karp (email only, without enclosures)

Enclosures: 1 thumb drive