



Public Service Commission

State of North Dakota

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February 21, 2023

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 technical review of the application for Revision No. 12 to Permit ACPG-9701. This revision was submitted in response to our pre-renewal review of the permit, and it updates the permit prior to the fifth renewal of the permit. The following items will need to be adequately addressed prior to revision approval.

Section 1.3 Business Entity/Compliance Information

1. The ND Department of Water Resources address is now 1200 Memorial Hwy, Bismarck, ND 58504. Also, update the **Date of Expiration** to April 16, 2023, in Section 1.3.5 – Other Licenses and Permits. (MJF)

Section 1.5 Identification of Interests and Right of Entry

2. Please add the most recent Tompkins’ lease letter dated January 9, 2023, and the certified mail receipt to Section 1.5.1(k) Tract V Tompkins Lease. (MJF)

Section 2.6.2 – Surface Water

3. The NDPDES permit ND0026077 issued to ACC expired on June 30, 2022. Please update the narrative in the 3rd paragraph in Section 2.6.2 (Surface Water) to include the new expiration date of the NDPDES permit issued by the ND DEQ. (JAR)

Section 3.1.3 – Pit Layout and Facility Maps

4. Follow-up to Item No. 7 in our August 24, 2022 pre-renewal review letter: Please update the Pit Layout and Facilities Map 3.1.3(c) to show proposed pits through the next 5-year renewal period of 2028 and the actual pits mined through 2022 at the Tompkins Mine. The map currently shows a portion of the S5 pit as a 2021 proposed pit and the S6 and N6 pits as 2022 proposed pits. (MJF)
5. Follow-up to Item No. 8 in our August 24, 2022 pre-renewal review letter: Please update Section 3.1.3a (Pit Layout and Facility Maps - Page Mine Area) to maintain the location of the

sedimentation pond with the date that it was removed and reclaimed. Additional pertinent mining-related features and facilities such as silt fences, overburden, SPGM stockpile locations, overburden borrow areas, and the haul road are being removed with Revision 12. Please retain mining-related features and facilities on this map and label the features as having been removed if that is the case rather than erasing historic information. The annual mine map information does not need to be included on the Pit Layout and Facilities Map but the disturbance boundary needs to be depicted. (GAW, JAR)

6. A former haul road is labeled a “local road” on the Perkins Mine Pit Layout and Facilities Map, Section 3.1.3(b), implying that the road was not a mining-related feature. This road was permitted and used as a haul road for the Page Mine and must be labeled as such. Please also depict the overburden borrow area and overburden stockpile(s), if there were any, and the associated disturbance boundary on this map. The associated disturbance boundary should include all areas where SPGM was stripped, such as drainages and diversions above the sediment ponds. It appears only a portion of the SPGM stockpiles are currently depicted on this map. All SPGM piles remaining must be depicted and piles that have been removed should either be labeled as such or the area associated with the pile should be identified as associated disturbance if located outside of the mineral removal boundary. (GAW)
7. The filing instructions for Revision 12 indicate that the Perkins Mine Pit Layout and Facilities Map, Section 3.1.3(b), was revised but the legend in the map indicates that it was last updated with Revision No. 11. Please correct this error. (GAW, SMN)

Section 3.6.1 - Surface Water Management – (Page Mine Area)

8. Please update the narrative in Section 3.6.1 (Surface Water Management – Page Mine Area) to include when the mining and reclamation were completed and that there are no surface water management structures remaining in the permit area. (JAR)

Section 4.1 – Post-Mining Land Use and Revegetation

9. Please depict and label the postmining land uses of areas outside of the mining disturbance boundary on the Perkins Mine’s Post Mining Land Use Map, Section 4.1.2 (b). The pre-mining land use map depicts cropland, tame pastureland and native grassland in areas that have not been affected by mining. (GAW)
10. A revised landowner preference statement for the Perkins property appears to indicate that the road traversing the property remains a permanent feature but only a portion of this road is depicted on the Post Mining Land Use Map, Section 4.1.2 (b). Please revise to provide clarity. (GAW)

Section 4.1.7 - Reclamation Schedule Variance Request (Tompkins Mine Area)

11. Please include the variance request for the delayed backfilling at the Tompkins Mine that was originally submitted on December 8, 2022 and update the letter’s date. (MJF, GAW, JWE)

Section 4.2.4 – Reclamation Costs

12. The seed prices from the 2022 variable cost update were not incorporated into Section 4.2.4. Please revise this section to include the updated costs. (SMN/JWE)

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13. The fertilizer and application cost from the 2022 variable cost update were not incorporated into Section 4.2.4. Please revise this section to include the updated cost. (SMN/JWE)

Please respond to this letter in a timely fashion so that the revision and renewal can be processed prior to the April 22, 2023 expiration of the current permit term. Revision 12 and Renewal 5 must be on the April 12th Commission meeting agenda for approval. If any bond changes are required, the bond documents must be executed and accepted by the Commission prior to approval of the revision and renewal. If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman
Director
Reclamation Division