

March 22, 2023

Ms. Zanna Brinkman
Director – Reclamation Division
North Dakota Public Service Commission
600 East Boulevard Ave
Department 408
Bismarck, ND 58505-0480



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

RECEIVED

MAR 24 2023

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**RE: Permit ACPG-9701 Revision 12 and Renewal 5 Technical Review
Comment Response to PSC Comments Dated March 17, 2023.**

Dear Ms. Brinkman:

Please find enclosed **one thumb drive (encryption code *ACCRv12*)** 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 technical review comments from the PSC Reclamation Division dated March 17, 2023.

Complete and correct information must be provided to the PSC by March 27, 2023 to facilitate renewal prior to expiration of Revision 11 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 (italicized, blue shading) are provided below.

Section 1.2 – Legal Information

1. Please incorporate the Affidavit of Publication from The Bowman County Pioneer and The Dickinson Press into Section 1.2.4. Also, update the hyperlink for the Renewal 5 Newspaper Notice. (MJF)

The Bowman County Pioneer affidavit and copy of newspaper notice was added as Sections 1.2.4(g)(1) and 1.2.4(g)(2), respectively.

Section 1.2 TOC: Legal Information was updated as well as the Detailed TOC (no section number).

Section 3.1.3 – Pit Layout and Facility Maps

2. As previously requested in our August 8, 2022 pre-renewal letter, our December 20, 2022 completeness letter, our February 21st technical review letter, and in recent correspondence, please update the Pit Layout and Facilities Map 3.1.3(c) at the Tomkins Mine to depict all mining that will be conducted during the next 5-year permit term (2023

Depth salvaged for N6-N8 and S6-S8 have been updated to reflect baseline soils mapping salvage depths.

Note: while the haul road corridor falls in the sections as referenced, it was originally permitted in association with Page area mining, which is why it has been included in Page area sections. Per email communication with Shawn Nixon on 3/20/2023 this modification is not required at this time but will be addressed in the next revision (#13) to the permit.

Section 4.2.3(c) - Grading Sequence Map

6. The pit dates depicted on the Grading Sequence map for Tompkins do not match the pit layout shown in Section 3.1.3(c) - Pit Layout and Facilities Map. (SMN)

Section 4.2.3(c) Grading Sequence map pit dates have been updated to reflect those shown in Section 3.1.3(c) Pit Layout and Facilities Map for the Tompkins area.

Other:

Section 4.2.1 has been updated to remove the reference to an overburden swell factor, which experience has indicated does not occur.

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, Jon Madill, Blake Karp (email only, without enclosures)

Enclosures: 1 thumb drive