



Public Service Commission

State of North Dakota

COMMISSIONERS

Randy Christmann
Sheri Haugen-Hoffart
Julie Fedorchak

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

sent via regular mail

April 13, 2023

Bowman County Commissioners
Bowman County Courthouse
104 1st St NW
Bowman, ND 58623

Dear Commissioners:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

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April 13, 2023

Scranton City Council
PO Box 143
Scranton, ND 58653-0143

Dear City Council Members:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

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April 13, 2023

Honorable Wes Schwarzwalter
Mayor of Reeder
PO Box 234
Reeder, ND 58649-0234

Dear Mayor Schwarzwalter:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

Zanna Brinkman
Director
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April 13, 2023

Mr. Bill Peterson
State Historical Society of North Dakota
612 East Boulevard Avenue
Bismarck, ND 58505
billpeterson@nd.gov

Dear Mr. Peterson:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

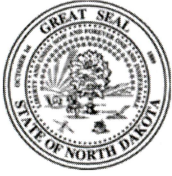
Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

Enclosures



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April 13, 2023

Edward C. Murphy
State Geologist
North Dakota Geological Survey
600 East Boulevard Avenue
Bismarck, ND 58505-0840
emurphy@nd.gov

Dear Mr. Murphy:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

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April 13, 2023

Jessica Johnson
US Fish & Wildlife Service
3425 Miriam Avenue
Bismarck, ND 58501-7926
jessica_n_johnson@fws.gov

Dear Ms. Johnson:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

Enclosures

cc via email only: Amity Bass (amity_bass@fws.gov)



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April 13, 2023

Mr. Tom Claeys
State Forester
North Dakota Forest Service
307 1st Street East
Bottineau, ND 58318-1100
thomas.claeys@ndus.edu

Dear Mr. Claeys:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

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April 13, 2023

Mr. David Glatt
Director
North Dakota Department of Environmental Quality
4201 Normandy Street
Bismarck, ND 58503-1324
dglatt@nd.gov

Dear Mr. Glatt:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

Enclosures



Public Service Commission

State of North Dakota

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Randy Christmann
Sheri Haugen-Hoffart
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April 13, 2023

Jeb Williams, Director
North Dakota Game and Fish Department
100 North Bismarck Expressway
Bismarck, ND 58501-5095
jwilliam@nd.gov

Dear Mr. Williams:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

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Zanna Brinkman
Director
Reclamation Division

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April 13, 2023

Carrie Johnson
State Soil Conservation
2718 Gateway Ave.
Suite 304
Bismarck, ND 58503
carrie.johnson.1@ndsu.edu

Dear Ms. Johnson:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

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North Dakota Department of Water Resources
C/O Project Review
1200 Memorial Highway, Dept 770
Bismarck, ND 58504
dwrprojectreview@nd.gov

Dear Project Review Team:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

Enclosed are copies of the revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

Zanna Brinkman
Director
Reclamation Division

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April 13, 2023

Ms. Mindy Schumacher
Bowman County Auditor
104 1st St NW, Suite 1
Bowman, ND 58623
mischumacher@bowmancountynd.gov

Dear Ms. Schumacher:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

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Sincerely,

Zanna Brinkman
Director
Reclamation Division

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sent via email and regular mail

April 13, 2023

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

Dear Ms. Smith:

This is to inform you of the Commission's April 12th approval of Revision No. 12 and Renewal No. 5 to Surface Coal Mining Permit No. ACPG-9701 held by American Colloid Company. Revision No. 12 identifies the next five-year coal removal subarea and updates the legal, operation, and reclamation plans in the permit. Renewal No. 5 will allow American Colloid Company to continue mining and reclamation operations within the existing permit area until April 21, 2028.

This permit revision was found to be a significant alteration to Permit No. ACPG-9701 and was subject to public notice requirements. The bond amount is considered sufficient at this time.

Enclosed are the original revision and renewal award forms. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Zanna Brinkman".

Zanna Brinkman
Director
Reclamation Division

Enclosures

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

American Colloid Co.
Revision 12, Permit ACPG-9701
Application

Case No. RC-22-413

REVISION OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

April 12, 2023

Based on the application for Revision Number 12 to Permit Number ACPG-9701 received November 25, 2022, and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. The revision application submitted on November 25, 2022, is complete and accurate and the applicant has complied with the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code;
2. A performance bond in the amount of \$1,092,445 is sufficient for the proposed mining and reclamation operations in the permit area; and,
3. The Commission's other findings that were made when the permit was issued remain applicable to the revised operation and reclamation plans.

Revision Number 12 to Permit Number ACPG-9701 is hereby granted to the American Colloid Company to identify the next five-year coal removal subarea and to update legal information, operation plans, and other mining and reclamation plans for the next five-year permit term as described in the revision application received November 25, 2022.

The approved revision is subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, Article 69-05.2 of the North Dakota Administrative Code, the conditions of the approved permit, and any additional or revised permit conditions listed on the attached PSC Reclamation Form - 3. Pursuant to Section 38-14.1-23 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, this revision was found to be a significant alteration to the previously approved permit.

PUBLIC SERVICE COMMISSION


Sheri Haugen-Hoffart
Commissioner


Randy Christmann
Chair


Julie Fedorchak
Commissioner

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

American Colloid Co.
Renewal 5, Permit ACPG-9701
Application

Case No. RC-22-414

RENEWAL OF PERMIT TO ENGAGE IN
SURFACE COAL MINING AND RECLAMATION OPERATIONS

April 12, 2023

Based on the application received on November 25, 2022, Renewal No. 5 for Permit Number ACPG-9701 is hereby granted to American Colloid Company to renew the surface coal mining permit subject to the requirements of Chapter 38-14.1 of the North Dakota Century Code, and the rules promulgated thereunder, on the following described areas:

Portions of Sections 2, 3, and 12, T130N, R99W, and Portions of Section 35, T131N, R99W totaling 656.72 acres, all in Bowman County.

This five-year permit renewal will allow American Colloid Company to continue to operate under approved mining and reclamation plans until April 21, 2028. Permit No. ACPG-9701 is currently covered by Surety Bond No. SU1130344 issued by Arch Insurance Company in the amount of \$1,092,445.

PUBLIC SERVICE COMMISSION



Sheri Haugen-Hoffart
Commissioner



Randy Christmann
Chair



Julie Fedorchak
Commissioner