



Public Service Commission

State of North Dakota

COMMISSIONERS

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December 30, 2022

Mr. Dave Traverso
General Mine Manager
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039
DTraverso@westmoreland.com

Dear Mr. Traverso:

The Reclamation Division has conducted a completeness review of the application for Revision No. 35 to Surface Coal Mining Permit KRSB-8603 for the Beulah Mine. Revision No. 35 to KRSB-8603 was received on November 30, 2022. The revision significantly modifies the reclamation schedule; therefore, it will be considered a significant revision subject to the public notice requirements of NDCC 38-14.1-18 and NDAC 69-05.2-10-01. The following items must be addressed prior to the application being deemed complete and approval is granted to publishing the newspaper notice:

Public Notice

1. In the newspaper advertisement, please include the ownership for Sections 14, 15, 16, 17, 18, and 20 within the permitted area for Permit KRSB-8603 in accordance with NDCC 38-14.1-18(1). (JAR, GAW)
2. Janice and Marvin Sigman and Sylvia and Dalton Zeiszler are identified in the newspaper notice as surface owners in the NW¼ of Section 22. However, only Ronald and Janice Gunsch are identified as surface owners in the NW¼ of Section 22 in Section 1.4 - Property Interests and Exhibit 1.4.1 – Surface and Coal Ownership Map. Please review the specified ownership information and revise accordingly. (JAR)
3. Please include the Silver Pit in the second sentence of the public notice since all reclamation through initial seeding has not yet been completed on Voigt property in the NE¼ of Section 19. The reclamation time schedule in Section 3.8 indicates that all reclamation through initial seeding was completed on this property in 2021, but areas where coal was removed in the final pit area have not been reclaimed. (GAW)
4. A sentence in the third paragraph incorrectly states that a copy of the renewal application can be requested by contacting the Public Service Commission within 30 days after the last publication of the public notice. Please correct this error by removing the third sentence in the third paragraph. (GAW)

5. Please modify the last sentence of the fourth paragraph to include the word “objections”. The last sentence could be modified to read “The written request should state the concerns or objections regarding the revision”. Also, please include the address for the Public Service Commission in the fourth paragraph. (GAW)

Section 1.1 Application and Support Documents

6. Please incorporate the application for Revision No. 35 in Section 1.1 and include a Revision Summary and Listing of Revised Information. (MJF)
7. Please include a copy of the current Certificate of Liability Insurance in Section 1.1, Application and Support Documents. (MJF, JAR)
8. The narrative on the revision summary sheet indicates that Revision 34 incorporates the changes within Revision 35. Please correct this sentence to state that Revision 35, not revision 34, incorporates these changes. (SMN)

Section 1.2 General Information

9. Please update to indicate that coal is no longer being mined. Also please update the current staffing in the Permit Application Responsibilities section. (MJF)

Section 1.4 Business Entity Information

10. Please incorporate the appropriate newspaper notice and map for Revision No. 35 as required by NDCC 38-14.1-18. (MJF, GAW, JAR)
11. Please replace Scott Aberle with Dave Traverso on page 1 and page 7 of Section 1.4. Also update corporate officers, if necessary. (MJF)
12. Please update any surface ownership changes in Section 1.4, Business Entity Information and Exhibit 1.4.1, Surface and Coal Ownership Map. (MJF)
13. Section 1.4 – Business Entity Information, Subsection E – Other Permits contains outdated information for the State Agency that has primacy over the NDPDES program, Stormwater program, and Air Quality program. The current information is the ND Department of Environmental Quality – 4201 Normandy Street, Bismarck, ND 58503-1324. Please review and update the information accordingly. (JAR)

Section 1.5 Compliance Information

14. Please update Section 1.5, Compliance Information, to include any new violations including NOV 2201. (MJF)

Exhibit 3.2.1 – Surface Water Management Plan Map

15. The surface water management plan map is illegible. Please adjust the text fonts, line weights, line types, hatch styles, label placement, etc. in a manner that clearly depicts the presented information. (SMN)

Section 3.8 – Time Schedule

16. Please update Section 3.8, Time Schedule, to address completing reclamation of the Silver Pit area. The narrative incorrectly indicates that the Silver Pit reclamation was completed in 2018, the ponds were removed in 2020, and Table 3.8-2 incorrectly indicates that reclamation through initial seeding was completed in 2021. Areas mined in 2013 and 2014 in the NE¼ of Section 19, and perhaps other areas in Section 20, have not been respread with SPGM, seeded, and the associated sediment ponds have not been removed. (GAW)

Please respond to the completeness deficiencies in a timely manner so the processing of the revision and renewal applications can proceed. If you have any questions, please contact this office.

Sincerely,



Zanna Brinkman
Director
Reclamation Division

cc via email only: Jesse Noel (jnoel@westmoreland.com)
Nettie Ore (NOre@westmoreland.com)