



Public Service Commission

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INSPECTION REPORT

DATE OF INSPECTION: June 26, 2024
TYPE OF INSPECTION: Final Bond Release No. 2
PERMITTEE - MINE: Leonardite Products, LLC - Stony Creek Mine
PERMITS INSPECTED: GRGR-0501
PERSONS ACCOMPANYING INSPECTORS:

Miroslav Zvyagelskiy - Leonardite Products, LLC
Greg Gunnon - Leonardite Products, LLC
Joe Pfalzgraf – Eco Park Landfill, LLC / Chamley Pipe & Salvage
Dalton Flory - Eco Park Landfill, LLC / Chamley Pipe & Salvage
Anthony Quach - ND Dept. of Environmental Quality – Div. of Waste Management
Sam Earnest - ND Dept. of Environmental Quality – Div. of Waste Management
Carter Ahlstedt - ND Dept. of Environmental Quality – Div. of Waste Management

INSPECTION CONDITIONS: The inspection was conducted between 1:00 p.m. and 1:50 p.m. CDT. Skies were mostly cloudy. The temperature was 68°F and the wind was from the east northeast at 6 mph. Access was unrestricted.

GENERAL

The purpose of this inspection was to schedule and allow parties with a legal interest to evaluate the affected area associated with Final Bond Release Application No. 2 to permit GRGR-0501 as required by NDCC 38-14.1-17(3). Final Bond Release Application No. 2 includes two tracts (2A and 2B) of land totaling approximately 28.9 acres located in the W½ of Section 8, T154N, R100W, Williams County, North Dakota. The bond release tracts consist of undisturbed land, partially backfilled commercial leonardite (oxidized lignite) pits, and topsoil and subsoil stockpiles originating from the pit excavations. The entire permit area has industrial and commercial postmine land use and is owned by Ellis/Olson LLC. The ND Department of Environmental Quality - Division of Waste Management issued Permit 0384 to Will Chamley, doing business as Eco Park Landfill, LLC, on June 28, 2016, and subsequently reissued on April 22, 2022, to develop mined pits in the bond release tract as an inert waste landfill. The Division of Waste Management will assume regulatory authority of the bond release tract on the effective date of bond release approval. Leonardite Products, LLC expects to submit successive final bond release applications allowing for inert waste landfill expansion as mining progresses northward as indicated by the mining plan boundary depicted on **Figure 1**.


Policy Memorandum No. 15 to Mine Operators requires that the postmine industrial land use be implemented prior to final bond release to allow an exemption from the ten-year revegetation liability period pursuant to NDAC Section 69-05.2-12-09(2). Policy Memorandum No. 15 to Mine Operators also requires that sufficient topsoil and subsoil have been set aside to provide a total respread thickness of at least 24 inches of soil for sites where the cover material is non-sodic spoil before granting final bond release on mined areas used for long-term waste disposal activities. Postmine industrial land use implementation includes appropriate permit issuance by the Division of Waste Management and Williams County, as well as disposal facility construction to a degree that it is ready for use.


Inspection participants met at the Stony Creek Mine entrance road that divides the two tracts included in Bond Release No. 2. The purpose of the inspection was to observe the site and discuss any items that may need to be addressed prior to final bond release approval. Tract 2A as shown on **Figure 1** contains two topsoil and two subsoil stockpiles dedicated to the future development of the Eco Park Landfill, LLC inert waste disposal facility within the Bond Release No. 2 area. The stockpiles were well vegetated but contained some weeds. Surface water runoff from mining and associated disturbance in and adjacent to the bond release tracts is controlled by other sediment control measures as defined by NDAC 69-05.2-16-04(1)(h) to minimize erosion and prevent additional contributions of sediment to streamflow or to runoff outside the permit area. Surface water runoff from mining disturbance is retained in, or directed to, the pits with berms. Runoff from stockpile areas is controlled by mulching, seeding, and containment berms.

Upon inspection, no comments by attendees were made requiring action by Leonardite Products, LLC. However, the Reclamation Division did require that a portion of the existing haul road that crosses the northeast corner of Tract 2A be relocated so that future mining operations utilizing the haul road do not occur outside of the permit area. Mr. Zvyagelskiy stated that if the road requires relocation, Leonardite Products, LLC will relocate the road and notify the Reclamation Division when completed. Joe Pfalzgraf, representative of Eco Park Landfill, LLC, Chamley Pipe & Salvage, and the surface owner stated that they are pleased with Bond Release No. 2 to Permit GRGR-0501 and are looking forward to continuing the expansion of operations for Eco Park Landfill, LLC.

MISCELLANEOUS

A GPS point tracklog of the inspection route and photographs taken are on file with the Reclamation Division.


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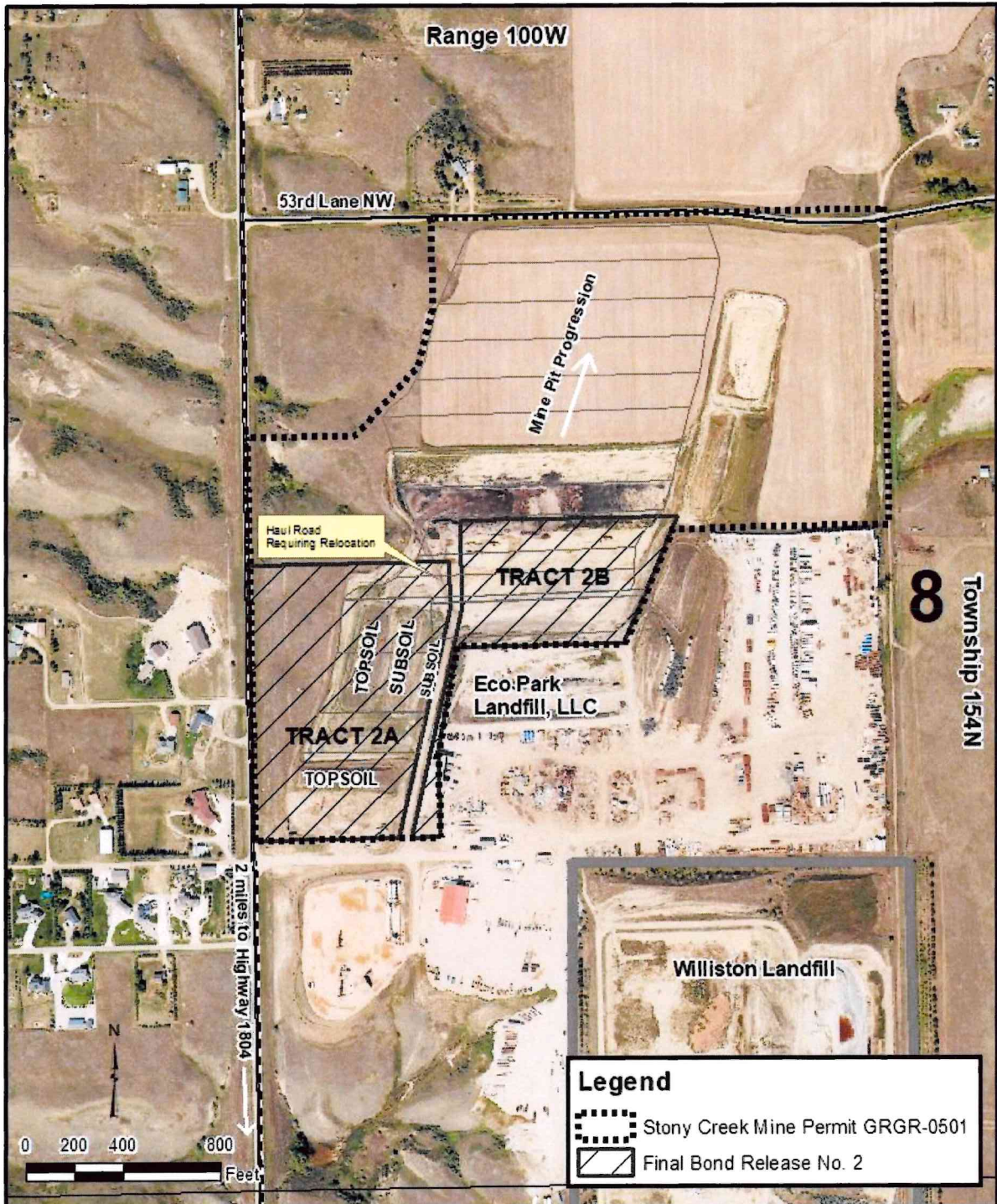


Figure 1: Final Bond Release No. 2 at Stony Creek Mine, Permit GRGR-0501. Two (2) tracts totaling approximately 28.9 acres located in the W1/2 of Section 8, T154N, R100W, Williams County, ND. Area will be released for industrial land use for the expansion of the existing Eco Park LLC inert waste landfill.

2023 aerial photography courtesy of USDA-NAIP