

May 12, 2025

Jonathan Emmer
 Director
 Public Service Commission Reclamation Division
 600 East Boulevard Ave., Dept. 408
 Bismarck, ND 58505-0480

Re: Revision 52 for Freedom Mine in Mercer County

Dear Mr. Emmer:

The North Dakota Department of Environmental Quality (Department) has reviewed the information concerning the above-referenced project received at the Department on April 23, 2025, with respect to possible environmental impacts.

1. Care is to be taken during construction activity near any water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and the replacement and revegetation of any disturbed area as soon as possible after work has been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance and/or the handling of fuels on the site. Guidelines for minimizing degradation to waterways during construction are attached.
2. The North Dakota Pollutant Discharge Elimination System program has no objection to revision number 52 to Surface Coal Mining Permit NACT-0401 which updates various sections of the new permit for the next 5-year permit term, including the introductory information, legal information, business entity/compliance information, identification of interests and rights of entry, groundwater hydrology, fish and wildlife resources, general operations, transportation facilities, surface water management, post-mining land use plans, and post-mining wetlands.
3. The project is within a mile of several domestic wells. Care should be taken to avoid spills of any materials that may have an adverse effect on groundwater quality. All spills must be immediately reported to this Department and appropriate remedial actions performed.

The Department owns no land in or adjacent to the proposed improvements, nor does it have any projects scheduled in the area. In addition, we believe the proposed activities are consistent with the State Implementation Plan for the Control of Air Pollution for the State of North Dakota.

4201 Normandy Street | Bismarck ND 58503-1324 | Fax 701-328-5200 | deq.nd.gov

Director's Office 701-328-5150	Division of Air Quality 701-328-5188	Division of Municipal Facilities 701-328-5211	Division of Waste Management 701-328-5166	Division of Water Quality 701-328-5210	Division of Chemistry 701-328-6140 2635 East Main Ave Bismarck ND 58501
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If you have any questions regarding our comments, please feel free to contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KR', followed by a long horizontal flourish.

Karl Rockeman, P.E., Deputy Director
North Dakota Department of Environmental Quality

KR:ll
Attach.

Construction and Environmental Disturbance Requirements

The following are the minimum requirements of the North Dakota Department of Environmental Quality (Department) for projects that involve construction and environmental disturbance in or near waters of the State of North Dakota. They ensure that minimal environmental degradation occurs as a result of construction or related work which has the potential to affect waters of the state. All projects must be constructed to minimize the loss of soil, vegetative cover, and pollutants (chemical or biological) from a site.

Soils

Prevent the erosion and sediment loss using erosion and sediment controls. Fragile and sensitive areas such as wetlands, riparian zones, delicate flora, and land resources must be prohibited against compaction, vegetation loss and unnecessary damage.

Surface Waters

All construction must be managed to minimize impacts to aquatic systems. Follow safe storage and handling procedures to prevent the contamination of water from fuel spills, lubricants, and chemicals. Stream bank and stream bed disturbances must be contained to minimize silt movement, nutrient upsurges, plant dislocations, and any physical chemicals, or biological disruption. The use of pesticides or herbicides in or near surface waters is allowed under the Department's pesticide application permit with notification to the Department.

Fill Material

Any fill material placed below the ordinary high-water mark must be free of topsoil, decomposable materials, and persistent synthetic organic compounds, including, but not limited to, asphalt, tires, treated lumber, and construction debris. The Department may require testing of fill material. All temporary fills must be removed. Debris and solid waste must be properly disposed or recycled. Impacted areas must be restored to near original condition.