

September 3, 2025

RECEIVED

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

SEP 10 2025

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Re: Falkirk Mine Permit Revision No. 42 in McLean 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 August 8, 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 42 to Surface Coal Mining Permit NAFK-8705 which updates various sections of the new permit for the next 5-year permit term, including the introductory information, legal information, financial information, compliance information, surface and coal ownership information, fish and wildlife resources, surface water information and monitoring plan, probable hydrological consequences, surface water management information, groundwater management plan, operations plans, extended mining plan, existing structures information, blasting map, transportation facilities, reclamation plans and schedules, post-mining topography, post-mining land use and revegetation, wetlands, consolidating bonding, and underwood groundwater hydrology information.
3. All solid waste materials must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly encouraged. As appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management. Further information on waste management and recycling is available from the Department's Division of Waste Management at 701-328-5166.

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.

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 'Karl Rockeman', 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.