You should know...

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Citizen Participation in Surface Coal Mining Regulatory Program

North Dakota Public Service Commission

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INTRODUCTION

The surface mining of coal is one of western North Dakota's most important industries. The Public Service Commission regulates the industry's activities, with emphasis on protecting the environment from the effects of surface mining. The regulatory program has also been designed to give the citizens of our State numerous opportunities to participate in the program as well as to assist the Commission in carrying out its responsibilities. This Fact Sheet will identify some of the ways by which you can be informed of surface mining activities in your area and how you can bring your concerns to the Commission's attention. The Commission and its Reclamation Division are always ready to assist you in trying to resolve your concerns. You may call us at (701) 328-2400 or (701) 328-4096 or by e-mailing us at ndpsc@nd.gov.

Perhaps the best way to stay informed about surface mining activities that may affect you is by reading your official county newspaper for public notices the mine operators must publish. The most important kinds of public notices are listed below.

PUBLIC NOTICE

Permits: A mine operator must publish notice when applying for a mining permit, a significant revision to an existing permit, a permit renewal, or the transfer, sale or assignment of rights granted under an existing permit. The notice is published once a week for four consecutive weeks in the official county newspaper. Any person with an interest that is or may be adversely affected by the application may petition the Commission to designate all or a part of the proposed mining operation as unsuitable for surface coal mining operations. The petition must be filed with the Commission within 30 days of the last publication of the notice. Copies of the permit applications are located in the County Auditor's Office and can be examined there during regular working hours.

If you are a landowner whose land will be disturbed by a mining operation, the mine operator must contact you as part of the permit application process and ask you for a written landowner preference statement. Supplying this statement to the mine operator gives you the opportunity to make very clear to the mine operator and to the Commission exactly what you want for a post-mining land use.

Performance Bond Release: A mine operator must furnish a performance bond as part of the application for a mining permit. The bond guarantees that reclamation will be completed at no cost to the State if the Commission revokes the operator's permit. State law provides for release of part of the bond after the completion of each stage of work in the reclamation process, and also requires that a mine operator must publish notice when applying for that release. The notice will contain important information on how the land was reclaimed. The notice is published once a week for four consecutive weeks in the official county newspaper. If you have objections to the bond release you must file them with the Commission within 30 days after the last publication of the notice.

Blasting: A mine operator must publish the planned blasting schedule in a newspaper of general circulation in the locality before beginning the blasting program. If you live within one half mile of any blasting location, the mine operator must mail you a copy of the blasting schedule. If you have concerns about your home or other

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buildings located within one mile of the permit area, you have the right to have the mine operator conduct a preblasting survey of the buildings and wells on your property.

ENFORCEMENT

The Public Service Commission inspects the mines frequently to ensure that the environment is being properly protected from the effects of surface mining. However, any person may request an inspection of a mining operation if he or she can give the Commission reason to believe that the environment is not being properly protected. It is then the Commission's responsibility to make the inspection. The person has the right to accompany the Commission inspector on the inspection.

CHANGES TO THE REGULATORY PROGRAM

The regulatory program may undergo changes for various reasons. The changes usually appear as modifications to the surface mining rules. Any person may submit a petition to the Commission to amend or repeal any of the surface mining rules, or to adopt rules. Or, the Commission itself may decide that changes to the rules are needed. Regardless of the source, rule changes must be proposed in public hearings. Notice of public hearings regarding proposed rule changes must be published twice in the official county newspapers and in daily newspapers of general circulation. The notices explain the opportunities provided to the public for examining the proposed changes and for offering comments on them.

Finally, the *Federal Register*, a daily Federal document, contains notices of proposed and final actions by the United States Office of Surface Mining on both Federal and State surface mining rule changes. Larger libraries around the State usually carry the Register. The Federal Register is also available online at the following website: www.gpoaccess.gov/fr/index.html. Notices of proposed rule changes always provide citizens with an opportunity to provide written comments.