



# Public Service Commission

## State of North Dakota

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600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
web: [www.nd.gov/psc](http://www.nd.gov/psc)  
e-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
TTY 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

June 13, 2005

Mr. Dave Schouweiler, P.E.  
Manager of Engineering  
BNI Coal, Ltd.  
2360 35<sup>th</sup> Ave. SW  
Center, ND 58530-9499

Dear Mr. Schouweiler:

The Reclamation Division has conducted a technical review of the applications for Revision 5 and Renewal 2 for Permit BNCR-9401. The following items were noted during that review of Revision 5 and must be addressed or corrected before approval of the applications:

### **Section 1.9 Surface and Coal Ownership**

1. Please update the address for David Erhardt listed as a surface owner in the two parcels of Section 8 land on page 1-9. (SAS)

### **Section 1.13 Past Violations**

2. Item No. 4 of our pre-renewal letter requested that this section be updated. Within the discussion of the NOV 0302, the timeline for the informal hearing and the violation being vacated (done following the hearing officer's report) seems to be incorrect. Please review and correct as appropriate. (SAS)

### **Section 4.1 Coal Removal**

3. Item No. 9 of our pre-renewal letter requested that the ash disposal cell construction timeline be updated. As currently listed on page 4.1-2, coal removal from the Phase II cell area was to be completed by August 2004 and that solid waste disposal in the Phase II cell would begin in June 2004. These dates do not appear correct and should be updated as appropriate. (SAS)

**Section 4.14 Reclamation Cost Estimate for Bonding Purposes**

4. Some of the subsoil haul distances need to be revised because the haul routes shown on the Worst Case Bond Map did not utilize existing trails or roads, or because the haul routes do not stay within Permit BNCR-9401. While the scraper hours listed in the spreadsheet may not change, the following haul distances should be adjusted:
  - a. The haul distance from stockpile MI5S03 should be increased from 4,200 feet to 4,950 feet to utilize an existing trail on the south side of stockpiles MI5T01 and MI5T02.
  - b. The haul distance from stockpile MI5S06 should be increased from 3,100 feet to 3,300 feet (the route shown on the WCB map traverses undisturbed area).
  - c. The haul distance from stockpile MI5S01 should be increased from 3,100 feet to 3,300 feet, and the haul distance from stockpile MI5T07 should be increased from 1,400 feet to 1,600 feet. The haulage route from both of these stockpiles traverses area that is included in final Bond Release No. 2. (BAJ)
  
5. Please review the scraper hours for hauling the clay stockpile material to the Cell 3 area. BNI calculated 575 hours for hauling 222,000 cubic yards a distance of 2,600 feet. However, our calculations show that this should be 615 hours. Please correct. (BAJ)

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division