



# 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)  
TDD 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

November 4, 2008

Dr. Jay Volk  
Environmental Services Supervisor  
BNI Coal, Ltd.  
2360 35th Ave. SW  
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has conducted a technical review of the application for Bond Release No. 3 to Permit BNCR-9401. The following technical deficiency items must be corrected prior to any further action being done on the release application:

### **Attachment VI**

1. Please include within the "**History of Tract**" a discussion about use of the site for rock crushing in the past in support of BNI's mining activities and whether or not it will be used for such activities in the future. Please be aware that once this site is bond released, it can no longer be used to support mining operations at the Center Mine. This includes hauling crushed rock onto permitted areas from rock that was crushed at this site. (SAS/DKM)
2. Please include a statement within the "**Bond Release Requirements**" discussion that the lands are not contributing suspended solids offsite as required by NDAC 69-05.2-12-12(7)(b) and the control measures that will remain in place for controlling runoff from the industrial land subject to this bond release. (SAS)
3. Please include a brief discussion in the first paragraph on page 2 to indicate whether or not Minnkota plans to continue to use the bond release tract for the temporary storage of bottom ash or other uses. (JRD)

4. Please designate which topsoil and subsoil stockpiles are being wholly or partially reserved for future respread of this area. (SAS)
5. The statement on page 2 indicates that BNI has sufficient quantities of soil for respreading 27 inches of topsoil and 49 inches of subsoil for the disturbed areas in this section seems somewhat high. Please verify these figures and correct if necessary. (SAS)
6. The third sentence in the last paragraph on page 2 should be deleted since no reduction in the bond amount has been requested. (SAS)
7. Please include a copy of the first page of the most recent renewal of NDSHD Special Permit SP-030 to show that the site is still covered by that permit and is still regulated by the Health Department as an industrial waste disposal site. (SAS)

If you have any questions, please contact this office.

Sincerely,



James R. Deutsch  
Director  
Reclamation Division