

**BASIN COOPERATIVE SERVICES**

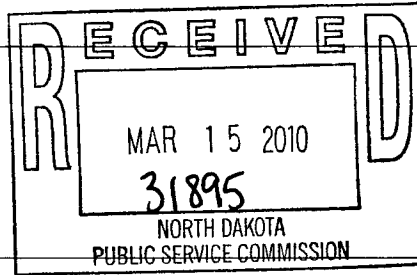
A BASIN ELECTRIC SUBSIDIARY

1717 EAST INTERSTATE AVENUE  
BISMARCK, NORTH DAKOTA 58503-0564  
PHONE: 701/223-0441  
FAX: 701/224-5322

**SCANNED**

Date 3.15.10 (31895)

File # 3-10-10-rev36-submittal



March 10, 2010

Mr. James R. Deutsch  
Reclamation Director  
Public Service Commission  
600 East Boulevard  
Bismarck, ND 58505-0480

Re: Revision 36 to Permit BCGH-8204

Dear Mr. Deutsch:

Revision 36 to BCGH-8204 includes changes as a result of the PSC mid-term review dated December 29, 2008. Included with this revision are proposed changes to the Leland Olds Station Solid Waste Disposal (Permit SP-143). Plans to amend this permit were completed last year and an application was submitted to the State Health Department on December 18, 2009. This application is currently under review. This planned expansion of the Solid Waste Disposal area requires a land use change for 325 permitted acres located in Mine Area IV (Section 31). Of this total area, approximately 275 acres are reclaimed native rangeland and about 50 acres is undisturbed native rangeland.

Included in this submittal are the following:

1. One (1) copy of the revision application form.
2. One (1) copy of the summary of the proposed revision.
3. One (1) copy of the summary of Permits and Violations for the Glenharold Mine.
4. Four (4) copies of the response to PSC comments resulting from the expired permit review.
5. Four (4) copies of the instructions for inserting additions and changes in to the permit.
6. Four (4) copies of revised pages and plates that changed as a result of this revision.
7. Four (4) copies of Appendix 3.5.5-4 (Application to Amend SHD Permit SP-143)

If you have any questions, please contact me at 745-7242 or via email at [dnilson@bepc.com](mailto:dnilson@bepc.com).

Sincerely,

David J. Nilson  
Reclamation Administrator

Attachments:

cc: Permit BCGH-8204  
Mike Murray

FROM DIRECTOR - RECLAMATION DIV.

Date: 3-15-10

Action: Guy

Info. Only: \_\_\_\_\_

Info & File: \_\_\_\_\_

1 **RC-10-65** Filed: 3/15/2010 Pages: 7  
**Application to Change Post-mining Land Use and Update other Information**

Basin Cooperative Services

David Nilson

**Response to Deficiencies**  
**PSC Midterm Review**  
**December 29, 2008**

PSC Comment	<u>Response</u>
<b>Section 2.0 – Legal, Financial and Compliance Information</b>	
1.	If necessary, please update the names and addresses of the permit and contiguous area surface ownerships in Tables 2-2 and 2-3. The addresses are especially important for owner notification of bond releases. Any changes should be also addressed on Plates 2.8-1 through 2.8-4. NDCC 38-14.1-14(1)(c) and (d). (SAS)
<b>Response:</b>	Ownerships and addresses have been reviewed and no changes are necessary.
<b>Section 4.3 – Water Management Plan</b>	
2.	Calculations need to be provided for several ponds to demonstrate a 50 year, 6-hour discharge event can be safely passed through the principal or emergency spillways or a combination thereof to comply with NDAC 69-05.2-16-09(9). Please submit calculations for Ponds 144-85-23-D5 (in pending BR-6), 143-84-5-2E and 143-84-8-1C (in pending BR-6). (MDB)
<b>Response:</b>	Ponds submitted with Bond Release 6 to BCGH-8204 have been approved. Data for permanent pond 143-84-5-2E has been recalculated taking into account a reduced watershed area (60 acres vs 87 acres), permanent spillway design and the reestablishment of herbaceous cover within the watershed and other factors. Flood routing calculations for a 50 - 6hr storm event show the peak inflow to be 12 cfs and the outflow 5 cfs. With a spillway elevation of 1914.1, the water depth elevation would be 1914.4 or .3' deep. This data is included with this revision.
<b>Section 4.7.5 – Standards and Methods for Measuring Revegetation Success</b>	
3.	In Section 4.7.5.1, please clarify if the areas subject to 1975 law reclamation standards in mine area II (Sections 13 and 18) are being combined with BCS lands subject to 1979 law reclamation standards. Based upon the acreages listed in Table 4.7-12 it appears that the acreage is being combined. We suggest that the 1979 law areas should be sampled separately to ensure achievement of all revegetation parameters given the variability of the established vegetation and pre-mine soil productivity differences. Please review and update if deemed necessary. (GAW)
<b>Response:</b>	The unadjusted yield standard that has been determined for 637.4 acres of BCS land in Mine Area I and presented in Table 4.7-12 was determined by combining the premine soils. However, vegetation data from 1975 law period has been collected separately and will not be combined with 1978 and 1979 law areas for comparison purposes. Final bond release analyses for rangelands will follow the

	same procedure used and approved in Bond Release 6. No changes were made to Section 4.7.5.1 or to Table 4.7-12.
<b>4.</b>	In section 4.7.5.4.2, please clarify how the productivity standard will be calculated for the warm season native grass hayland that has been reclaimed in Section 13. It appears that the pre-mine cropland soils in this tract should be used to develop the standard. Please clarify if any reference or control areas will be used for climatic adjustment. (GAW)
<b>Response:</b>	<p>Reclaimed warm season hayland yields will be directly compared to the warm season hayland reference area. A warm season reference area has been established on Lihen (21B) and Krem (22B) soil series'. Its location is shown on Plate 4.7.5-1c . The use of this reference area was presented and approved in Revision 33 on 12-16-03. An inspection was conducted by the PSC on July 29, 2004. An excerpt regarding its approval as a reference area is included here for your convenience.</p> <p>From PSC inspection dated July 29, 2004.</p> <p>The second area is a warm season hayland reference area located in the SW¼ of Section 14 and delineated on Plate 4.7.5-1C of Permit BCGH-8204. The reference area is located in an undisturbed area of soils map unit 21B (Lihen lfs, 0-4% slopes) and 22B (Krem lfs, 0-6% slopes). The reference area is located on a long, narrow undisturbed area directly west of the reclaimed warm season hayland tract that it will represent. The soils of the reference area were verified to be undisturbed Lihen and Krem soils. Switchgrass, big bluestem, and sand bluestem are being grown on the reference area and reclaimed hayland. Haying of these tracts had already taken place. The warm season hayland reference area was found to be suitable and its use is approved.</p>
<b>5.</b>	NDAC 69-05.2-22-07(4)(e) has been revised to state that woodland revegetation success standards must be achieved during the last year of the responsibility period. Please revise the first paragraph of the woodland section on page 4.7.5-10 accordingly. Data from earlier years of the responsibility period cannot be used as indicated in the paragraph. GAW
<b>Response:</b>	This has been changed. A revised page is included with this revision. When necessary, we will continue to present woodland data from prior years to show trends.
<b>Other PSC Comments</b>	In a September 18, 2008 email, Basin indicated they may expand the coal combustion waste landfill in Section 31 of Permit BCGH-8204. Basin also indicated that a dewatering structure may be installed in the pre-law spoil pond in Section 4, Permit BCGH-8204. If these plans have been finalized, you may wish to update the appropriate sections of Permit BCGH-8204 accordingly.
<b>Response:</b>	A land use change for Mine Area IV (Section 31) to accommodate the LOS Ash Disposal Expansion Area is included with this revision. An application to revise the size of the existing landfill was submitted to the State Health Department on December 18 <sup>th</sup> 2009. It is in the review process with approval expected in late March or April. This revision includes a copy of this document for inclusion into the permit as Appendix 3.5.5-4. Tables and text in Section 3.5 (Pre and Post Mining Land Use) have been revised to include details concerning the Land Use

change. Plate 3.5-18 is provided with this revision to show the location of the LOS Ash Disposal Expansion Area on the post mine topography in Mine Area II.

Concerning the dewatering structure for an old spoil pond in section 4, a 6 inch black poly pipe was bored through the box cut spoil last fall. This overflow pipe was installed on pre-law area (BCS land) that is outside of the permit area boundary. This will prevent overflow and associated erosion within the BCGH-8204 permit area where there is no designed spillway for this pond.

DATE  
Date 3.15.10  
File Rev 36 application (31895)

PSC Reclamation Form - 6  
Effective: 7/01/79  
Revised: 1/25/85

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION  
STATE CAPITOL BUILDING  
BISMARCK, NORTH DAKOTA 58505-0480

APPLICATION FOR REVISION OF PERMIT TO ENGAGE IN  
SURFACE COAL MINING AND RECLAMATION OPERATIONS

DATE March 10, 2010

Basin Cooperative Services, Inc. (Name of Company, corporation, Partnership, or Individual) 1717 East Interstate Avenue, Bismarck, ND 58501 (Address) hereby makes application for Revision Number 36 of Permit Number BCGH-8204 updates surface and mineral ownerships, permanent pond hydrology requirements, vegetation sampling requirements for 1975 law areas and clarification of vegetation success standards for warm season haylands. Also, it changes the postmining land use to include the LOS Ash Expansion area in section 31 (Mine Area IV). (include a brief description of the surface coal mining and reclamation operation being revised).

Attached to this Permit Revision Application is a narrative describing the proposed permit revision, reasons for requesting the revision and appropriate maps, pond designs, vegetation data, revised reclamation plans and other data that demonstrate compliance with Chapter 38-14.1 of the North Dakota Century code, article 69-05.2 of the North Dakota Administrative code, and the permit conditions of the approved permit. If an incidental boundary revision involving an acreage adjustment is being requested as part of the permit revision application, the following information shall be included (attach a copy of the metes and bounds description):

<u>Name of Mine</u>	<u>Address</u>	<u>Acres</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Location Range</u>	<u>County</u>
Glenharold Mine	1717 East Interstate Avenue, Bismarck, ND 58501					Mercer & Oliver Co.

TOTAL ACRES 0

Based upon the proposed changes and any incidental boundary revisions to the permit as stated herein, a new or adjusted bond, or its equivalent, duly executed in accordance with Section 38-14.1-16 of the North Dakota Century Code and Chapter 69-05.2-12 of the North Dakota Administrative Code will be delivered to the Public Service commission prior to issuance of the surface coal mining and reclamation operations permit revision herein requested. A check for filing fees, pursuant to Section 38-14.1-13 of the North Dakota Century Code, in the amount of \$ 0.00 is included with the revision application.

I, **David J. Nilson** an official authorized to represent the applicant, certify that:

1. All information and documents required by Sections 38-14.1-13, 38-14.1-14, and 38-14.1-15 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code, are submitted as part of this permit revision application;
2. Information and documentation contained in the permit revision application affirmatively demonstrate that:
  - a. The permit revision application is accurate and complete and all the requirements of Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code have been complied with;
  - b. Reclamation as required by chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code can be accomplished under the reclamation plan contained in this permit revision application;
  - c. An assessment of the probable cumulative impact of all anticipated mining in the general area on the hydrologic balance as specified in subdivision o of subsection 1 of Section 38-14.1-14 has been made and the proposed operation has been designed to prevent material damage to the hydrologic balance both on and off the mine site;
  - d. The area proposed to be affected is not included within an area designated unsuitable for all or certain types of surface coal mining and is not within an area under study for such designation in an administrative proceeding;
  - e. The proposed surface coal mining operation will not interrupt, discontinue or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated and will not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors; and
  - f. The permit revision applicant has the legal right to surface mine the land for which this permit revision application is made and all of the requirements of Chapter 38-18 of the North Dakota Century Code have been complied with;

3. The area proposed to be affected is not included within an area where mining is prohibited pursuant to Section 38-14.1-07 of the North Dakota Century Code, unless specifically allowed in accordance with the provisions of Section 69-05.2-04-01 of the North Dakota Administrative Code; and
4. The surface coal mining and reclamation operations to which this permit revision applies will be carried out at all times in a manner which insures that all of the requirements of Chapter 38-14.1 of the North Dakota Century code, Article 69-05.2 of the North Dakota Administrative Code, and any permit conditions attached thereto are complied with.

David J. Nilson  
Signature of Official

Reclamation Administrator  
Title

**VERIFICATION**

I, **David J. Nilson**, being first and duly sworn, verify that the information contained in this Permit Revision Application is true and correct to the best of my knowledge and belief.

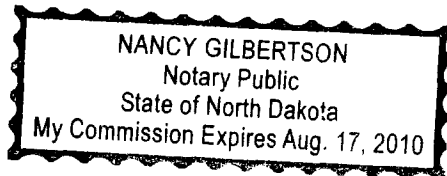
David J. Nilson  
Signature of Official

Reclamation Administrator  
Title

Subscribed and sworn to before me this 9<sup>th</sup> day of March, 2010.

My commission expires: 8-17-2010

(SEAL)



Nancy Gilbertson

Nancy Gilbertson  
Mercer County  
Notary Public