

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

SURFACE COAL MINING AND RECLAMATION OPERATION PERMIT CONDITIONS

Date October 5, 1981

Permit Number NACT-8102 has been issued subject to Chapter 38-14.1 of the North Dakota Century Code, all the regulations promulgated thereunder, and the following conditions:

1. The Coteau Properties Company shall conduct surface coal mining and reclamation operations only on those lands specifically designated in the permit and only for the approved term of the permit and only in the manner or with the processes and techniques specified in the permit application and approved by the Commission.
2. Each of the reclamation or monitoring procedures, techniques, methods or descriptions specified in the permit application and approved by the Commission, or revision or renewal thereof, or by order of the Commission following such approval shall be deemed a "permit condition" for the purposes of enforcement under Chapter 38-14.1, NDCC.

(See attached page(s) for additional conditions)



PUBLIC SERVICE COMMISSION

ATTEST:

APPROVED:

Janet Sauter
Secretary

Edward J. Engle
Reclamation Director

Leo M. Reinbold
Commissioner

3. The Coteau Properties Company shall take all possible steps to minimize any adverse effects to the environment or public health and safety resulting from non-compliance with any term or condition of the permit, including, but not limited to: accelerated or additional monitoring necessary to determine the nature and extent of non-compliance, immediate implementation of measures necessary for compliance, and warning, as soon as possible after learning of such non-compliance, any person whose health and safety is in imminent danger due to the non-compliance.
4. Compliance with any design criteria or technical specifications, even where design criteria or the specifications have been approved by the Commission as a part of this permit shall not relieve The Coteau Properties Company of the duty to redesign any criteria or technical specifications in order to comply with any applicable effluent limitation, applicable performance standard, water quality standard, ambient air quality standard, or any order issued by the Commission under Chapter 38-14.1, of the North Dakota Century Code, if such design criteria or technical specifications are later found to be inadequate.
5. The Coteau Properties Company shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by Chapter 38-14.1 of the North Dakota Century Code and Article 69-05.2 of the North Dakota Administrative Code and which prevents violation of any other applicable law.
6. The Coteau Properties Company shall conduct its operations in accordance with any measures specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public.
7. The Coteau Properties Company proposes to use reference areas in determining the success of revegetation on rangeland; therefore, suitable reference areas must be proposed and the information required by Section 69-05.2-08-08(2), NDAC submitted to the Commission by February 1, 1982.
8. The methodology for determining success of revegetation for cropland is not approved pursuant to approval of this permit, but will remain a part of the permit pending further review. The Commission will advise The Coteau Properties Company of a decision on this methodology at a future date. If the proposed methodology is found to be inadequate, The Coteau Properties Company will be required to propose for Commission approval alternative methods for determining the success of revegetation on cropland.
9. The Coteau Properties Company shall not disturb any areas identified as prime farmland until the permittee submits an application to the Commission for alternative prime farmland soil handling and reclamation procedures and receives approval of the methodology as a variance for experimental surface coal mining and reclamation practice pursuant to NDAC 69-05.2-27-02 by the Commission and the Director of the Office of Surface Mining, Department of the interior.

10. The Coteau Properties Company shall not disturb any new areas within the permit area prior to the receipt of Commission approval of the bond instrument for each bond increment pursuant to NDAC 69-05.2-12-01(5).