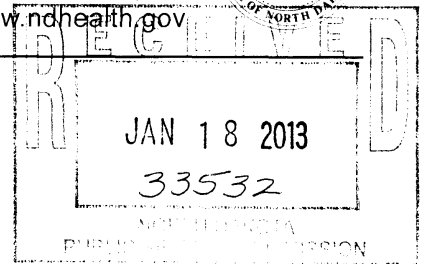




NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
Gold Seal Center, 918 E. Divide Ave.
Bismarck, ND 58501-1947
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January 16, 2013

Mr. James Deutsch
Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Application for Surface Coal Mining Permit BNCR-1101

Dear Mr. Deutsch:

We have reviewed BNI Coal, Ltd.'s application for Surface Coal Mining Permit BNCR-1101. We have no objections to the application to conduct surface coal mining and reclamation operations at the Center Mine covering lands located in all or portions of Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 21 and 28, T141N, R83W; Sections 12, 13, 24, and 25, T141N, R84W; and Sections 31 and 32, T142N, R83W of Oliver County, North Dakota containing 8,359.72 acres.

The current NDPDES permit for the Center Mine allows for discharge points in the land area and drainage systems that will be affected by mining.

At this time, the Department has no further comments regarding this revision.

Sincerely,

Dallas Grossman
Environmental Engineer
Division of Water Quality