



**NORTH DAKOTA**  
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION

Gold Seal Center, 918 E. Divide Ave.  
Bismarck, ND 58501-1947  
701.328.5200 (fax)  
www.ndhealth.gov



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January 9, 2013

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

RE: Revision 12 to Permit BNCR-9401

Dear Mr. Deutsch:

We have reviewed BNI Coal, Ltd.'s application for revision number 12 to Surface Coal Mining Permit BNCR-9401 at the Center Mine. This revision seeks to add 181.54 acres in the N½ of the N½ of Section 5 and the NE¼ of Section 8, T141N, R83W; and the S½ of the S½ of Section 32, T142N, R83W.

Upon review, it was noted there is no proposed sedimentation pond for the referenced area. In consultation with the Public Service Commission (PSC), the department was informed of a proposed MSHA Pond 5-6 under permit BNCR-1101. This pond is partially located within the BNCR-9401 permit. It will be receiving runoff from the contributing watershed covered by Revision 12. The surface mining permit BNCR-9401 should indicate that pond 5-6 is receiving runoff from the area within Revision 12.

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

Sincerely,

Amanda Cross  
Environmental Scientist  
Division of Water Quality

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Comments received from the North Dakota Department of Health  
North Dakota Department of Health  
Amanda Cross