

PHONE (701) 794-8734



AN ALLETE COMPANY

2360 35<sup>TH</sup> AVENUE SW CENTER, ND 58530-9499  
MINING LIGNITE AT THE CENTER MINE SINCE 1970

July 3, 2013

Mr. Jim Deutsch, Director  
Reclamation Division, NDPSC  
Department 408  
600 East Boulevard Avenue  
Bismarck, ND 58505-0480

RE: Renewal 6 to Permit BNCR-8106

Dear Mr. Deutsch,

This submittal is in response to your letter to us dated July 3, 2013. As requested, we have reviewed the latest update of the Ownership and Control Information and Violation Information and changes have been made to the violation information and are included with this letter.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,

A handwritten signature in blue ink that reads "Karene M. Hall".

Karene M. Hall  
Permit Coordinator

and haul road use. SWC Project #1687-A, Application #154, approved 1-28-87 for construction of pond 2-1 and storage of water in 2-1 (BNCR-8602) which is also used to support mining activities in BNCR-8106. SWC Project #1295 - Application #309-B-4139 to modify pond 31-1 approved 11-1-91.

6. ND Geological Survey, 600 East Boulevard Avenue, Bismarck, ND 58505-0480.

Coal Exploration Permit #OLV ~~723-123-4968~~ approved 01-~~2517-123~~, expires 01-~~2517-134~~.

7. Mine Safety and Health Administration  
PO Box 25367, Denver, CO.  
MSHA I.D. Number 32-00218, approved 3-8-73.

### 1.13 Past Violations

Notices of Violations received by BNI in the past 3 years are noted below.

On 06-14-13, BNI was issued Notice of Violation 1301 for failure to construct and maintain a sump and silt fence used as sediment control measures as necessary to minimize sediment deposition on undisturbed areas. Failure to construct and maintain the sump and silt fence caused overburden and spoil sediment deposition on adjoining undisturbed land due to excessive rainfall. -On 05-29-13, prior to receiving the documentation of the NOV, BNI installed a temporary sediment fence in extremely wet conditions. Between June 3<sup>rd</sup> and June 6<sup>th</sup>, BNI installed a permanent reinforced sediment fence and had a contractor excavate the existing sumps and also installed multiple other sumps throughout the area. In a letter dated 06-21-13 to the PSC, BNI -disagreed with the NOV and requested an informal conference. The informal conference is scheduled for 08-19-13.

There are no other violations or orders by any person who owns or controls BNI Coal or ALLETE.

### 1.14 Proof of Federal Reclamation Fee Insurance

Appendix B contains proof of this fee and a copy of our insurance certificate. The certificate contains a rider indicating the NDPSA will be notified of substantial policy changes.

### 1.15 List of Consultants Furnishing Technical Information for BNCR 8106.

Mr. Lawrence Haugen, Professional Soil Classifier, Address unknown.

Mr. Bob Howey, Deceased Professional Soil Classifier.

Mr. Chris L. Dill, North Dakota Historical Society, Capitol Grounds, Bismarck, North Dakota 58505.  
Mr. Jerome A. Mastel, Institute for Ecological Studies, University of North Dakota, Grand Forks, North Dakota 58202.

Mr. Don Litchfield, P.E. North Dakota Environmental Lab.  
104 12th Avenue NW, Mandan, North Dakota 58554.

Energy Labs, 1107 South Broadway, Billings, Montana 58103.

Mr. Pat Farmer, WESTECH, Inc. P.O. Box 6045, Helena, Montana 59604.

Dr. Dennis Disrud, Minot State University, Minot, North Dakota 58701.