

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Coyote Creek Mining Company, L.L.C.
Permit NACC-1301
Application

Case No. RC-13-268

SURFACE COAL MINING AND RECLAMATION PERMIT CONDITIONS

March 12, 2014

Surface Coal Mining Permit Number NACC-1301 has been issued to **Coyote Creek Mining Company, L.L.C.** subject to Chapter 38-14.1 of the North Dakota Century Code, all the rules promulgated thereunder, and the following standard conditions:

STANDARD CONDITIONS

1. Coyote Creek Mining Company, L.L.C. 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 North Dakota Century Code Chapter 38-14.1.
3. Coyote Creek Mining Company, L.L.C. 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. Coyote Creek Mining Company, L.L.C. shall pay all reclamation fees required by 30 CFR subchapter R for coal produced for sale, transfer, or use.
5. 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 Coyote Creek Mining Company, L.L.C. 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 North Dakota Century Code Chapter 38-14.1, if such design criteria or technical specifications are later found to be inadequate.

6. Coyote Creek Mining Company, L.L.C. 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 North Dakota Century Code Chapter 38-14.1 and North Dakota Administrative Code Article 69-05.2, and which prevents violation of any other applicable law.

7. Coyote Creek Mining Company, L.L.C. 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.

8. All applications for revisions to this permit must include a revision summary that describes the modifications that are proposed and indicates the pages, maps, or other parts of the permit that are revised or added. All revised and added pages, maps, designs, etc. shall be formatted for incorporation into the text of the permit and the revision number and date revised must appear on each revised and/or added document.

9. If a cessation order is issued under North Dakota Century Code Section 38-14.1-28, Coyote Creek Mining Company, L.L.C. must either submit the following information, current to the date the cessation order was issued, or notify the Commission in writing that there has been no change since the last submittal:

a. Any new information needed to correct or update the information previously submitted under subdivision e of subsection 1 of North Dakota Administrative Code Section 69-05.2-06-01.

b. If not previously submitted, the information required from a permit applicant by subdivision e of subsection 1 of North Dakota Administrative Code Section 69-05.2-06-01.

SPECIAL CONDITION

1. Coyote Creek Mining Company, L.L.C. must provide copies to the Commission of the road authority's approval documents to close or relocate any public road and other approval documents to conduct surface coal mining activities within one hundred feet of the outside right-of-way of any public road as required by subsection 4 of North Dakota Administrative Code Section 69-05.2-04-01.3. These documents must include written findings made by the road authority. If the road authority did not provide for a public comment period and make the written finding as part of its approval process as specified in subsection 3 of North Dakota Administrative Code Section 69-05.2-04-01.3, no mining activities may be conducted within one hundred feet of the outside right-of-way of a public road until the Commission provides public notice and makes the written finding.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner