



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



January 7, 2015

Mr. Donn Steffen
Coyote Creek Mining Company, LLC
6502 17th Street SW
Zap, ND 58580

Re: Air Pollution Control
Permit to Construct

Dear Mr. Steffen:

Pursuant to the Air Pollution Control Rules of the State of North Dakota, the Department of Health has completed final review of your application to obtain a Permit to Construct for the Coyote Creek Mine to be located in Mercer County, North Dakota.

Based on the results of the documents reviewed, this Department hereby issues the enclosed North Dakota Air Pollution Control Permit to Construct No. PTC15001.

Please advise the Department within 15 days after startup of the mine to allow for an inspection by the Department.

Note that the above-referenced permit addresses only air quality requirements applicable to your facility. Other divisions (Water Quality, Waste Management and Municipal Facilities) within the Environmental Health Section may have additional requirements. Contact information for the various divisions is listed at the bottom of this letter.

If you have any questions regarding air quality, please contact me at (701)328-5188.

Sincerely,

Craig D. Thorstenson
Environmental Engineer
Division of Air Quality

CDT:saj
Enc:

47 RC-14-846 Filed: 6/2/2015 Pages: 6
Exhibit CC5

Coyote Creek Mining Company, LLC



**AIR POLLUTION CONTROL
PERMIT TO CONSTRUCT**

Pursuant to Chapter 23-25 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Health and to any conditions specified below:

I. General Information:

A. **Permit to Construct Number:** PTC15001

B. **Source:**

1. **Name:** Coyote Creek Mining Company, LLC
2. **Location:** Coyote Creek Mine
Near Beulah
Mercer County, North Dakota
3. **Source Type:** Coal Mine
4. **Equipment at the Facility:** The Coyote Creek Mine is a surface lignite coal mine with an annual expected production of approximately 2.5 million tons of lignite coal, with the capability to process up to 3.2 million tons of lignite coal annually. The coal mine will consist of the following equipment:

Emission Unit Description	Emission Unit (EU)	Emission Point (EP)	Air Pollution Control Equipment
Coal processing equipment consisting of primary and secondary crushing and conveying with a rated capacity of 2,000 tons/hour	FUG-1	FUG-1	Passive Enclosure Containment System*
Facility-wide Fugitive Emissions: Topsoil removal and replacement Overburden removal and replacement Coal and overburden blasting operations Coal loading and transferring to lignite handling facilities Open coal storage pile	FUG-2	FUG-2	Fugitive Dust Control Measures

* Consists of enclosed chutes and skirtboards. If necessary, fogging will be used to mitigate dust formation. The equipment does not vent directly to the atmosphere.

C. **Owner/Operator (Permit Applicant):**

1. Name: Coyote Creek Mining Company, LLC
2. Address: 6502 17th Street SW
Zap, ND 58580
3. Application Date: September 11, 2014

II. **Conditions:** This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Health and to the conditions specified below.

- A. **Coal Production Capacity:** This permit is based on a maximum annual production rate of 3.2 million tons of coal. Any modification(s) to the facility which increase the maximum capacity of the facility to greater than 3.2 million tons of coal annually must be approved of in advance by the Department.
- B. **40 CFR 60, Subpart Y:** The owner/operator shall operate the facility in accordance with the applicable requirements of 40 CFR 60, Subpart Y, Standards of Performance for New Stationary Sources: Coal Preparation Plants as incorporated into Chapter 33-15-12 of the North Dakota Air Pollution Control Rules.
- C. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.

Fugitive Dust Control*:

The permittee shall control fugitive dust as follows:

- 1) Control fugitive particulates from land clearing, topsoil and overburden removal, and other material handling operations using strategies such as watering, revegetation, delay of topsoil disturbance until necessary, surface compaction, and sealing unless natural moisture is sufficient to control emissions.
- 2) Use fugitive dust preventative measures such as watering, covering, shielding, or enclosing stockpiles, both active and inactive, as necessary to control emissions unless natural moisture is sufficient to control emissions.
- 3) Fugitive dust preventative measures such as frequent watering, addition of dust palliatives, detouring, paving, closure, speed control, or surface treatment shall be used for on-site haul roads unless natural moisture is sufficient to control emissions.

- 4) Construct, protect, or treat all conveyors, transfer point, crushers, screens, and dryers to minimize particulate matter emissions.

*Additional requirements may apply if subject to New Source Performance Standard 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation and Processing Plants

- D. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

- E. **Startup Notice:** A notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.
- F. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.
- G. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33-15-17.
- H. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report or an annual production report, upon request, on forms supplied or approved by the Department.
- I. **Source Operations:** Operations at the installation shall be in accordance with statements, representations, procedures and supporting data contained in the initial application, and any supplemental information or application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.
- J. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion, or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and

approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.

- K. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33-15-08-01 – Internal Combustion Engine Emissions Restricted.
- L. **Recordkeeping:** The owner/operator shall maintain any compliance monitoring records required by this permit or applicable requirements. The owner/operator shall retain records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records and all original strip-chart recordings/computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.
- M. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.
- N. **Malfunction Notification:** The owner/operator shall notify the Department of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations.
- O. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
- P. **Transfer of Permit to Construct:** The holder of a permit to construct may not transfer such permit without prior approval from the Department.
- Q. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Health may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department's rules and to inspect monitoring equipment located on the premises.
- R. **Other Regulations:** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.

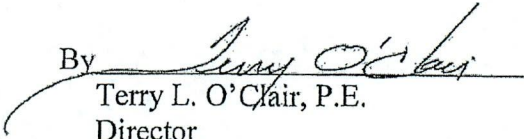
- S. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23-25. Each and every condition of this permit is a material part thereof, and is not severable.
- T. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33-15-16.

FOR THE NORTH DAKOTA
DEPARTMENT OF HEALTH

Date

1/7/15

By


Terry L. O'Clair, P.E.

Director

Division of Air Quality