



Public Service Commission

State of North Dakota

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April 20, 2015

Jay M. Volk, Ph. D
Environmental Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499

Dear Mr. Volk:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 38 and Renewal No. 3 to Permit BNCR-9702 at the Center Mine. The following items must be adequately addressed before the applications can be deemed complete and approval is granted to begin publication of the permit revision and renewal newspaper notice. Please respond in a timely manner so that publication of the public notice and the more detailed technical review can begin.

Revision No. 38 Application Narrative

1. Please consider revising the narrative describing revision updates to be less specific and similar to previous revision narratives. Consider condensing the narrative as follows:
“The permit revision updates the legal and financial section, the operations, reclamation, surface water management, and post mining land use sections, the wildlife monitoring plan, and the worst case bond estimate.” (ZAB)

Permit Renewal Application (SFN 10566), Acreage Attachment, and Renewal Request

2. Please submit a corrected permit renewal application (SFN 10566) and “*Acrees in Permit BNCR-9702*” attachment to correctly describe and list current acreage in Permit BNCR-9702. The permit renewal application and “*Acrees in Permit BNCR-9702*” attachment received April 2, 2015 describe and list the acreage in Permit BNCR-9702 prior to the May 18, 2011 approval of Revision No. 30 that added 676.48 acres to the permit.
(WTG/ZAB/RLK)
3. Please remove the statement “*The revision depicts coal sub-removal for the next five year term.*” from the first paragraph of the Renewal No. 3 request. (ZAB)

Newspaper Notice

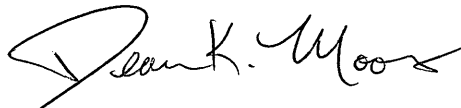
4. As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1), please revise several sentences in the first two paragraphs on page 1 of the newspaper notice as follows: (WTG/ZAB/BEB)
 - a. *“The area for which a permit renewal ~~revision~~ is sought includes approximately 7,018 acres ...”*
 - b. *“The permit revision ~~renewal~~ depicts the coal removal subarea ~~subremoval~~ for the next five year permit term.”*
 - c. *“ ... the backfilling and regrading ~~regarding~~ plan and the SPGM removal and replacement plan, ...”*
 - d. *“Written comments, objections, and requests for informal conferences ~~and~~ petitions should be filed with ~~sent to~~ the Public Service Commission, 600 East Boulevard, Dept. 408 Bismarck, ND 58505-0480 within 30 days after the last final date of publication of this notice.”*
5. Please add a statement to the newspaper notice indicating that Renewal No. 3 will extend the permit term another five years until August 2, 2020. (ZAB)
6. Updates with this revision application were also made to Section 3.3 - Groundwater, and this should also be mentioned in the public notice and the application narrative along with the other sections that were updated. (BEB)
7. Please consider revising the narrative describing revision updates to be less specific and similar to previous revision statements. Consider condensing the narrative as follows: *“The permit revision updates the legal and financial section, the operations, reclamation, surface water management, and post mining land use sections, the wildlife monitoring plan, and the worst case bond estimate.”* (ZAB)
8. Please review the Section 21 coal ownership listed for the Assembly of God and correct as necessary because the notice and Plate 1-2 (Ownership Map) list Gen'l Council-Assembly of God, while Section 1.9 (Surface and Coal Ownership) lists Ass'bly of God Fin. Services. (WTG/RLK/ZAB)
9. Please remove the line space between the SE¼ (Section 28) and the succeeding line of Less NE¼SE¼ at the top of page 2. (WTG/RLK/ZAB)
10. Please review Phyllis Vandenburg listed for coal ownership of the SE¼ of Section 29, surface and coal ownership of the SW¼ of Section 29, surface ownership of the N½NW¼, SW¼NW¼, and the NW¼SW¼ of Section 32, and coal ownership of the NE¼ of Section 32 and correct as necessary because Section 1.9 (Surface and Coal Ownership) and Plate 1-2 (Ownership Map) list Ila Vandenburg in place of Phyllis Vandenburg for surface or coal ownership of all the listed parcels. (WTG/RLK/ZAB)
11. Please review Larry Dresser listed for coal ownership of the SW¼ of Section 34 and correct as necessary because Section 1.9 (Surface and Coal Ownership) and Plate 1-2

(Ownership Map) list only Mary Dresser for coal ownership of the parcel.
(WTG/ZAB/RLK)

12. Please review Tammy Snyder listed for coal ownership of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34 and correct as necessary because Section 1.9 (Surface and Coal Ownership) and Plate 1-2 (Ownership Map) list Tammy Korkowski in place of Tammy Snyder for coal ownership of the parcel. (WTG/RLK/ZAB)
13. Please review the coal ownership listed for the W $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Section 5 and correct as necessary because although it agrees with coal ownership listed for the parcels on Plate 1-2 (Ownership Map), it differs considerably from ownership listed for the parcels in Section 1.9 (Surface and Coal Ownership). Six coal owners listed in Section 1.9 (Calvin Mosbrucker, Dean Mosbrucker, Brian Mosbrucker, Lorie Makelke, Nicole Wilson, and Colton Schmitz) are not present on Plate 1-2, while one coal owner listed on Plate 1-2 (Kenneth Mosbrucker) is not listed in Section 1.9. (WTG/RLK/ZAB)
14. Please review the surface ownership listed for the NE $\frac{1}{4}$ of Section 8 and correct as necessary because although it agrees with surface ownership listed for the parcel on Plate 1-2 (Ownership Map), it differs from ownership listed for the parcel in Section 1.9 (Surface and Coal Ownership). Two surface owners listed in Section 1.9 (Nicole Wilson and Colton Schmitz) are not present on Plate 1-2. (WTG/RLK/ZAB)
15. As required by NDAC 69-05.2-05-02(1) and 69-05.2-10-01(1)(b), please revise the newspaper notice map as follows: (WTG)
 - a. Add route labels for Oliver County roads 38th AVE SW and 41st AVE SW.
 - b. Enlarge the township and range labels to ensure that they will be legible at the newspaper publication size.
 - c. Remove the buffer zone boundary and label for Minnkota Power Cooperative's Milton R. Young Station bottom ash inert waste landfill in the 67.95 acre bond released area of Section 3.
 - d. Expand the label for Minnkota Power Cooperative's Milton R. Young Station bottom ash inert waste landfill in the 67.95 acre bond released area of Section 3 to label it as a bond released area for inert waste disposal.
 - e. Depict and label the route for Hagel Creek within and adjacent the south BNCR-9702 permit area.

Please contact this office if you have any questions.

Sincerely,



for James R. Deusch
Director
Reclamation Division