



September 12, 2016

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

RE: Revision 39 to Permit BNCR-9702

Dear Mr. Deutsch:

The Division of Water Quality has reviewed BNI Coal Ltd.'s application for revision number 39 to Surface Coal Mining Permit BNCR-9702. The division has no objections to the revision that changes the postmine topography in Section 3 (T141N, R84W) by redisturbing reclaimed land adjoining the buffer area of Minnkota Power Cooperative's bond released bottom ash inert waste landfill to obtain spoil for landfill closure and to change the landfill's postmine land use from industrial to agricultural. The division also has no objection to the minor changes to the postmine topography in Sections 29, 32, and 33 (T142N, R84W) in preparation for a final pit location in the S1/2 of Section 29.

In regards to the landfill closure, a North Dakota Pollutant Discharge Elimination System (NDPDES) permit will be required to address the discharge of stormwater from disturbance activities. Leachate or water that has come in contact with waste in the landfill cannot be discharged to waters of the state. Water that does not contact waste may be discharged in accordance with the appropriate NDPDES permit.

The comments provided do not affect comments submitted by the Division of Waste Management. If you have any questions, do not hesitate to contact the Division of Water Quality.

Sincerely,

Dallas Grossman
Environmental Engineer
Division of Water Quality
701.328.5242

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Comments received from the Water Quality Division at the State Health Department
North Dakota Department of Health
Dallas Grossman