



Public Service Commission

State of North Dakota

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February 7, 2018

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

Dear Mr. Volk:

The Reclamation Division has reviewed BNI Coal, Ltd.'s January 18, 2018 response to our January 2, 2018 completeness review letter for Revision No. 15 to Permit BNCR-9401 at the Center Mine. The revision application proposes to change the postmine land use from cropland and native grassland to industrial and commercial in the NE¼ of Section 8 for the development and operation of a solid waste disposal facility. The following items must be adequately addressed before the application can be deemed complete and approval granted to begin publication of the permit revision newspaper notice.

1. Follow-up to item No. 10: Please provide a current qualified registered professional engineer certification for the surface water management plan that supersedes the May 3, 2012 certification in Section 4.6 as required by NDAC 69-05.2-09-09(1)(h) for the addition of Appendix 4.6-11 (Design of Diversion D-8-1) with the Revision No. 15 application. (WTG)
2. Follow-up to item No. 12: The revised postmine land use map, Plate 4.12-1, includes a change in postmine land use from cropland to industrial for the approximately 2.5 acres of permit area located within the NW¼ of Section 8, T141N, R83W. However, the application does not include documentation for the zoning change or conditional use permit from Oliver County and the related information necessary to approve an alternative postmining land use for this tract as required by NDAC 69-05.2-23-03. Please identify the currently approved postmine land use for the portion of the NW¼ of Section 8 included in this mining permit or provide the additional required information to consider the alternative postmining land use. (RLK)

If you have any questions, please contact this office.

Sincerely,

Dean K. Moos
Director
Reclamation Division