

February 7, 2020

Jay M. Volk, PhD, Manager
Health, Safety, and Environmental Services
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. 41 and Renewal No. 4 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 to these items in a timely manner to secure publication approval at the earliest opportunity.

Permit Renewal Application (SFN 10566) and Renewal Request

1. Please remove the statement “*The revision depicts sub-removal for the next five year term.*” from the first paragraph of the Renewal No. 4 request. (ZAB/WTG)

Appendix 1.5-1 Notice of Publication

2. Please correct the discrepancy between coal ownership listed as “*Fortin Enterprises*” for the NE¼ of Section 5 in Appendix 1.5-1 (Notice of Publication) and Appendix 1.9-1 (Ownership Information (within permit boundary)), and that listed as “*Fortin Enterprises, Inc.*” on Plate 1.9-1 (Ownership Map). (JAR)

Section 1.9 - Surface and Coal Ownership

3. Please revise the BNCR-9702 permit boundary line type, or the permit area shading, on Plate 1.9-1 (Ownership Map) to clearly define the permit boundary as required by NDAC 69-05.2-05-02(1). As presented on Plate 1.9-1, the permit boundary is difficult to identify on screen or in print. The permit boundary is clearly defined on Plate 1.9-1 for approved Revision No. 40 to Permit BNCR-9702 with permit area gray shading. (WTG)
4. Please review the reference to Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) for an explanation of State of North Dakota coal ownership in the S½ of Section 31 on Plate 1.9-1 (Ownership Map). It does not appear that Appendix 1-2 provides an explanation of State of North Dakota coal ownership for the S½ of Section 31, but an explanation is provided on page 1-6 of Appendix 1.9-1

(Ownership Information (within permit boundary)). Please correct the reference to an explanation of State of North Dakota coal ownership in the S½ of Section 31 on Plate 1.9-1 as necessary. (JAR)

Appendix 1.9-1 - Ownership Information (within permit boundary)

5. Please delete the surface and coal ownership listed for the N½ of Section 29 from Appendix 1.9-1 and add it to Appendix 1.9-2 (Adjacent Ownership Information (within one-quarter mile)). (WTG/PJR)
6. Please adjust the line spacing on the bottom of page 1-6 of Appendix 1.9-1 so the entire legal description, “SE¼NW¼ and S½, Less NW¼SW¼” for Section 32 is on one page. (NDAC 69-05.2-05-02(1)) (PJR)

Section 1.12 - Other Licenses and Permits

7. Please update the effective date of North Dakota Pollution Discharge Elimination System (NDPDES) Storm Water Permit #NDR32-0009 issued by the ND Department of Environmental Quality. If the NDPDES storm water permit issuance is pending, please provide information on its status. (JAR/PJR/JSP)
8. The Bureau of Alcohol, Tobacco, Firearms and Explosives ATF-FEL License held by Specialized Blasting Services, Inc. is shown as expired on August 1, 2019. Please provide updated license information. (JSP)
9. The ND Geological Survey Coal Exploration Permit will expire on February 21, 2020. Please update if a request for another NDGS permit has been filed. (JSP)

Section 1.14 - Proof of Liability Insurance

10. The liability insurance covering commercial general liability and automobile liability is shown as expired on February 1, 2020. Please provide an updated certificate of liability. (JSP/PJR)

Please contact us if you have any questions.

Sincerely,

Dean K. Moos
Director
Reclamation Division

cc: Karene M. Hall