



Public Service Commission State of North Dakota

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February 19, 2020

Karene M. Hall
Permit Coordinator
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499

Dear Ms. Hall:

The Reclamation Division has conducted a completeness review of the applications for Revision No. 16 and Renewal No. 5 to Permit BNCR-9401 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 Revision Application (SFN 10562)

1. Please revise the Revision No. 16 description on page 1 of SFN 10562 to be consistent with the revision descriptions presented in Appendix 1-1 (Revision Summary and List of Changes) and Appendix 1.5-1 (Notice of Publication). (WTG)

Permit Renewal Application (SFN 10566) and Renewal Request

2. Please remove the statement “The revision depicts the next five year term.” from the first paragraph of the Renewal No. 5 Request that is not applicable to NDAC 69-05.2-11-03(5). (WTG)

Appendix 1.5-1 Notice of Publication

3. Please revise the first paragraph of Appendix 1.5-1 as follows: remove the word “*an*” from the phrase “*has submitted an applications*”; and, remove the redundant statement of “*This permit area is located in Oliver County, North Dakota.*” (WTG/JAR/JSP)

Plate 1.5-2 Landowner Notification Map

4. Please update the landowner notification map to reflect the current permit boundary. (PJR/JSP)

Section 1.9 - Surface and Coal Ownership

5. Please review the coal ownership in the NW1/4 of Section 8 on page 1-24 that lists “Daryl & Loretta Tabor”, which is not consistent with the coal ownership of “Loretta Tabor” listed in both Appendix 1.5-1, Notice of Publication, and on Plate 1.9-9, Surface and Coal Ownership. Revise as appropriate. (JSP)

Ms. Karene M. Hall

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Section 1.12 – Other Licenses and Permits

6. Please update the effective date of North Dakota Pollution Discharge Elimination System (NDPDES) Storm Water Permit #NDR32-0009 issued by the ND DEQ, expiration date 12/31/19. If the NDPDES storm water permit issuance is pending, please provide information on its status. (JAR/JSP)
7. In the fourth paragraph of the Solid Waste Permits Held by MPC, special waste landfill permit SP-040 is referenced. However, Permit SP-159 is referenced in the second sentence. Please clarify the reference to SP-159 in this paragraph. (JAR)
8. Please update the effective date of the ND Geological Survey, Coal Exploration Permit #OLV 79-18-516, expiration date 02/21/20, if a request for another NDGS permit has been filed. (JAR/JSP)
9. 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)

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 insurance. (PJR/JSP)

Section 3.4 – Surface Water

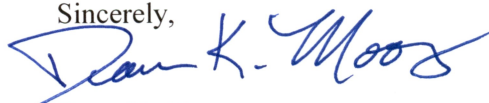
11. Follow-up to pre-renewal review item No. 9: The stated changes to the Surface Water Sampling Site Location Map in Appendix 3.4-1 were not made. Surface water monitoring site Section 20 SWS was not added to the map and the BNCR-9702 permit boundary was neither revised nor removed. Please review and provide the requested updates. (BEB/JAR)

In addition, the following technical deficiencies were noted during our completeness review. They can be addressed with the review response or with the technical review.

1. In section 4.15 the footer references “Revision 41 01-17-2020”. Please correct with Revision 16 and applicable date. (JAR)
2. Under Socioeconomic Information in Section 4.15, the first sentence references BNCR-9702 permit area. Please correct with the BNCR-9401 permit area. (JAR)

Please contact us if you have any questions.

Sincerely,



Dean K. Moos
Director
Reclamation Division

cc: Jay Volk