

May 18, 2020

Mr. Dean Moos
Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Final Bond Release Application No. 5 to BNCR-9401

Dear Mr. Moos:

The North Dakota Department of Environmental Quality, Division of Water Quality (division) has reviewed BNI Coal, Ltd.'s (BNI) Final Bond Release Application Number 5 to Surface Coal Mining Permit BNCR-9401. The division also participated in the final bond release inspection conducted May 12, 2020 with representatives from the Public Service Commission's Reclamation Division, BNI, and Minnkota Power Cooperative (Minnkota).

The bond release tract includes area that is part of Minnkota's Flue-Gas Desulfurization Sludge Disposal Facility that drains to BNI's 5-1 Sedimentation Pond. No active mining areas drain to the sedimentation pond. The tract also includes top soil and subsoil piles that are well vegetated. The last augmented seeding in the tract occurred in 2011.

The sedimentation pond has active discharge point 036 under the North Dakota Pollutant Discharge Elimination System (NDPDES) permit for BNI (ND0024601). The division received a request from BNI to remove discharge point 036 from NDPDES permit ND0024601. Minnkota also includes the sedimentation pond in the stormwater pollution prevention plan (SWPPP) for Milton R. Young Station. The pond is identified as discharge point 105 in Minnkota's NDPDES stormwater permit for Milton R. Young Station (NDR050012).

Since no active mining areas drain to the pond and the pond is covered under Minnkota's NDPDES stormwater permit and SWPPP for Milton R. Young Station, the division has no objections to the final bond release.

The Division of Water Quality appreciates the Reclamation Division's invitation to participate in the final bond release inspection. Please contact me at dgrossma@nd.gov or 701.328.5242 if you have any questions.

Sincerely,



Dallas Grossman
Environmental Engineer
Division of Water Quality

8 RC-20-78 Filed 05/18/2020 Pages: 1
Letter from DEQ regarding bond release
North Dakota Department of Environmental Quality
Dallas Grossman

c. Preston Ripplinger, Reclamation Division