



Public Service Commission

State of North Dakota

COMMISSIONERS

Julie Fedorchak
Randy Christmann
Brian Kroshus

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

Sent via email only

June 1, 2021

Jay M. Volk, Ph. D
Environmental Services Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
jvolk@bnicoal.com

Dear Mr. Volk:

The Reclamation Division has conducted a technical review of the application for Revision No. 17 to Surface Coal Mining Permit BNCR-9401 for the Center Mine. Revision No. 17 adds the coal lease for the Federal coal tract in Section 8 and updates the mine plan for removal of the Federal and private coal under the proposed location of Minnkota Power Cooperative's Ash Cell 5. Revision 17 also updates the worst case bond estimate. The following items must be adequately addressed before the Revision No. 17 application can be approved.

Section 1 – Legal and Financial

1. Blasting narrative under Item No. 5 in Section 1.12, Other Licenses and Permits, states that the Blasting Agent is stored in Section 18-141-83 and the Explosives are stored in Section 5-141-83, both in Permit BNCR-1101. Updates to Permit BNCR-1101 with Revision No. 8 now indicate the Blasting Agent is stored in the SW1/4 of Section 13 and is no longer stored in Section 18. Please review and update the narrative as necessary. (BEB)
2. Item No. 7 under Other Licenses and Permits in Section 1.12 states the coal exploration permit expires 3/4/2021. Since that date has come and gone the narrative can now be changed to state expired unless it has been renewed, in which case please provide a new expiration date. (BEB)
3. Please add a copy of the federal coal lease for Section 8 filed with the Oliver County Recorder to Appendix 1-2 (Certified Copies of Leases and Assignment Documents, Article of Amendment to Articles of Incorporation) as required by NDAC 69-05.2-06-03(1). (WTG)

Appendix 1-1 – Revision Summary – List of Changes

4. The internet browser tab is labeled as "Revision 8 Summary". Please correct the internet browser tab label to "Revision 17 Summary". (JAR)

Section 3.2 - Geology

5. Geology narrative in the last paragraph on page 3.2-3 states that drill hole data from the federal coal tract located in the NE1/4NE1/4 of Section 8 will be provided once a lease is obtained. Now that the lease has been obtained and the drill hole data has been provided in the permit, please update the narrative accordingly. (PJR/BEB)

13
RC-21-81 Filed 06/01/2021
First technical review letter
Public Service Commission
Preston Ripplinger
Pages: 3

Appendix 3.2-1 – Lithologic and Geophysical Logs

6. Follow-up to completeness item No. 8. Information regarding drillhole 21-M001 was correctly moved from Geophysical Logs to the Lithologic Logs subsection; however, the “Listing of Drillholes” on page 2 of Appendix 3.2-1 was not updated with drill hole 21-M001 as was indicated in your response. (BEB)

Appendix 3.2-2 – Chemical and Physical Analyses of Overburden

7. The hyperlink for drillhole #21-M001 takes the reader to a chemical analysis lab sheet; however, the lab sheet only provides a purchase order number, account number, reference number and lab number.; there is no identifying number on the lab sheet indicating this analyses is for drillhole 21-M001. It was also noted there are no depths provided for the two sample interval analyses on the report. At a minimum, please hand write the drill hole number on top of the lab sheet and indicate the depth intervals for which the chemical analyses were sampled and analyzed. (BEB)

Section 4.1 – Coal Removal

8. Update Appendix 4.1-1 (Equipment List) with the most current data. (JWE)

Section 4.1-1 – Pit Layout and Facilities Map

9. The internet browser tab is labeled as “Revision 14 Delete Undisturbed Acres”. Please correct the internet browser tab label to “Revision 17 Pit Layout and Facilities Map” or similar as applicable. (JAR)
10. The map legend identifies several pond types (Proposed MSHA Class Sedimentation Ponds, Proposed Sedimentation Ponds, and Future Sedimentation Ponds) being depicted on the map. Please add “Existing Ponds” to the map legend and update the depicted ponds on the map accordingly. (JAR)

Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

11. Subsoil stockpile MI5S09 is listed in Appendix 4.14-1 (Worst Case Bond Estimate) but it is not shown on Plate 4.14-1 (Worst Case Bond Map). According to the 2013 annual map, this stockpile was respread in 2013. Please remove this stockpile from Appendix 4.14-1 and make the necessary changes. (JWE)
12. The second paragraph on page 1 of Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) states that the bond condition will be in 2020 at the close of the permit term. The permit term for BNCR-9401 expires on August 16, 2025. Please update Section 4.14 (Reclamation Cost Estimate for Bonding Purposes), Plate 4.14-1 (Worst Case Bond Map), and Appendix 4.14-1 (Worst Case Bond Estimate) if the worst case cost estimate changes at the close of the permit term. (JWE)

Section 4.7 – Water Monitoring and Drill Hole Reclamation

13. The internet browser tab is labeled as “4”. Please correct the internet browser tab label to “Section 4.7 Water Monitoring and Drill Hole Reclamation Plans”. (JAR)
14. Please revise the footer on page 4.7-2 with “Revision 17”. (JAR)

Table 4.7-1 – Ground Water Monitoring Well Information

15. BNI indicates that updates to Table 4.7-1 were made; however, updates to the table are not apparent on the spreadsheet. Please highlight the specific updates on the table so that we can also revise our GIS ground water database accordingly. Additionally, please change the header date at the top of the table from (2020) to (2021). (PJR/BEB)

Section 4.9 – Reclamation Schedule

16. The internet browser tab is labeled as “4”. Please correct the internet browser tab label to “Section 4.9 - Reclamation Schedule”. (JAR)

Section 4.10 - Regrading Plan

17. Please revise Plate 4.10-1 (Post-Mining Topography) to depict the postmine topography for the entire area of Ash Cell 5 as required by NDAC 69-05.2-05-02(1). The current postmine topography for Ash Cell 5 is essentially limited to federal coal ownership that constitutes only about one-half of the Ash Cell 5 area depicted on Plate 4.1-1 (Pit Layout and Facilities Map). (WTG/PJR)

Please contact us with any questions.

Sincerely,



Dean K. Moos
Director
Reclamation Division

cc via email only: Karene Hall (khall@bnicoal.com)
BNI Coal Efiling (BNIfiling@bnicoal.com)