



Public Service Commission

State of North Dakota

COMMISSIONERS

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sent via email only

September 23, 2021

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

Dear Mr. Volk:

The Reclamation Division has conducted a completeness review of BNI Coal, Ltd.'s (BNI) August 31, 2021, responses to our August 6, 2021 completeness review letter for Revision No. 9 to Permit BNCR-1101 at the Center Mine. The revision revises the mining sequence for 345 acres in Sections 20 and 21 planned for mining in 2031 through 2037, by advancing mining in the area to 2021 through 2032. Revision 9 also changes the timing for construction of two ponds and two diversions in Section 21, T141N, R83W, adds two acres to the permit in Section 18, T141N, R83W, updates the worst case bond estimate, adds a copy of Federal Coal Lease NDM 105513, and updates other sections of the permit.

The following items must be adequately addressed before the application can be deemed complete and approval is granted to begin publication of the newspaper notice. Some items may appear to be more technical than completeness in nature; however, they will provide additional clarity in the permit before the revision application is sent to the Advisory Committee members and other interested parties. Please note that follow-up items reference the item number in our August 6, 2021 completeness review letter.

Revision No. 9 Application (SFN 10562)

1. Follow-up to Item No. 2: Please revise the Revision No. 9 application attachment to describe the proposed advanced mining sequence dates as 2021 through 2032. (WTG)

Appendix 1.5-1 – Notice of Publication

2. Follow-up to Item No. 3: Please revise the first paragraph of Appendix 1.5-1 (Notice of Publication) for Revision No. 9 to describe the proposed advanced mining sequence dates as 2021 through 2032. (WTG)
3. Follow-up to Item No. 4: Please remove all references to a petition from the third paragraph of Appendix 1.5-1 (Notice of Publication) for Revision No. 9. The third paragraph should state the following, or similar, wording used in previous BNI Coal, Ltd. revision applications. (WTG)
“Any person whose interests are or may be adversely affected by the revision application has the right to file written comments, objections or requests for an informal conference with the North Dakota Public Service Commission. Written comments, objections, and requests for an informal conference should be filed with the Public Service Commission, 600 East Boulevard, Dept. 408, Bismarck, ND 58505-0480 within 30 days after the last

publication of this notice. The written request should state the concerns or objections regarding the revision.”

Section 1.12 – Other Licenses and Permits

4. Follow up to item No. 12: Please revise the street address for the Environmental Protection Agency in Section 1.12 to 1595 Wynkoop St. (JAR)

Appendix 1-1 – Revision Summary and List of Changes

5. Follow-up to item No. 15: Please revise the Revision 09 Summary to BNCR-1101 in Appendix 1-1 (Revision Summary and List of Changes) to describe the proposed advanced mining sequence dates as 2021 through 2032. (WTG)

Section 4.2 – Existing Structures

6. Follow-up to Item No. 20: Please remove the narrative for the St. Lucas Cemetery on page 4.2-2 that was retained in the Occupied dwellings and unoccupied buildings that are not within the permit boundary narrative in Section 4.2. (JWE)

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 (BNIefiling@bnicoal.com)
Jodey Houn (jhoun@bnicoal.com)