

PHONE (701) 355-5588



FAX (701) 794-3125

September 24, 2021

Mr. Dean Moos, Director
Reclamation Division, NDPSC
Department 408
600 East Boulevard Avenue
Bismarck, ND 58505-0480

RE: Revision 9 to Permit BNCR-1101

Dear Mr. Moos,

This submittal contains a response to your Completeness Review 1 letter to us dated September 23, 2021. In this letter you listed completeness deficiencies that must be addressed before the Revision 9 application to BNCR-1101 can be deemed complete. Below is a listing of the deficiencies followed by our response:

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)

The year was changed from 2023 to 2032.

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)

The year was changed from 2023 to 2032.

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

BNI COAL, LTD.
2360 35TH AVENUE SW, CENTER, ND 58530-9499

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.”

The third paragraph of the Notice of Publication has been modified as suggested.

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)

The street number for EPA has been added to the address as requested.

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)

The year was changed from 2023 to 2032.

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)

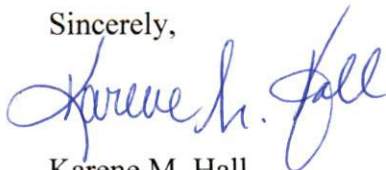
The reference to St. Lucas Cemetery on page 4.2-2 has been removed as requested.

Section 4.6- Surface Water Management

Section 4.6 and Plate 4.6-1 were changed to add in Appendix 4.6-56 which contains design details of a clean water diversion, two catch basins, and two diversions to capture runoff and sediment upstream of MSHA Pond P-21-5. This will allow us to forgo disturbing drainages leading into the pond.

Thank you for your consideration of this matter. If you have any questions regarding this submittal, please contact me at the Center office.

Sincerely,



Karene M. Hall
Permit Coordinator