



Public Service Commission

State of North Dakota

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April 12, 2024

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

Dear Ms. Hall:

The Reclamation Division has reviewed BNI Coal, Ltd.'s (BNI) April 2, 2024 responses to our March 5, 2024 technical review letter and the April 9th, 2024 submittal of Appendix 4.14-1 (Worst Case Bond Estimate) for the Revision No. 11 for Renewal No. 2 to Surface Coal Mining Permit BNCR-1101 for the Center Mine. Since the current permit term will expire May 28, 2024, it is imperative that your response to this letter is expedited to ensure Commission action at the meeting scheduled for May 23, 2024. Since the current surety bond needs to be increased and approved prior to approving the Revision and Renewal applications, Section 4.14 can be updated outside of the revision process if it expedites your response. The following items must be adequately addressed prior to Commission approval of the revision and corresponding Renewal No. 2. Please note that follow-up items reference the items numbered in our March 5, 2024 technical review letter.

Section 4.6 – Surface Water Management Plan

1. Follow-up to Item No. 30a: Please review the horizontal scale for the diversion profile of Plate 4.6-58A within Appendix 4.6-58 (Design of Diversion D-16-4) as it appears it should depict 100' instead of 150'. Please correct this error. (BSM)
2. Follow-up to Item No. 30d: The diversion profile in Plate 4-6-58A within Appendix 4.6-58 (Design of Diversion D-16-4) depicts the last section that includes riprap having a longitudinal slope of 7.7%. However, the Diversion Design Information Sheet on Page 2 and the HydroCAD data sheets within Appendix 4.6-58 depicts this area with a slope of 7.42%. Please update accordingly so the design calculations and the map are consistent. (BSM)

Section 4.10 – Regrading Plan

3. Follow-up to Item No. 32: Please review the slope analysis comparison table in Plate 4.10-2 (Post Mining Area Slope Map) to ensure the post-mining acres reflect the topographic changes. (JWE)

Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

The following deficiencies are in reference to the most updated version of Section 4.14 provided to the Reclamation Division via email on April 9, 2024:

4. Please review and verify the stockpile volumes on Pages 2 and 3 of Appendix 4.14-1 (Worst Case Bond Estimate – 2028) are depicted in the correct column for topsoil and subsoil. It appears the following stockpiles are not within their correct columns: NE07S01, NW17T01 PF, NW9S03, NE09T01, NE09S02, NE16S01, SE21S02, SE21S05, NW20S01. (BSM)
5. The table on top of Page 5 of Appendix 4.14-1 (Worst Case Bond Estimate – 2028) refers to county road reconstruction estimates, but it only specifies fill volumes of “Overburden Vol. Fill.” Additionally, a note below the table explains that it calculates the rehandle necessary for constructing county road segments disturbed by mining, but it lacks further details on topsoil or subsoil volumes. Further clarification or inclusion of topsoil and subsoil volumes, either within the table or in the note, is suggested. (BSM)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: BNI Coal Efiling (BNIefiling@bnicoal.com)
Jonathan Rudnick (jrudnick@bnicoal.com)