



Public Service Commission

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May 8, 2025

Mr. Greg Petrick
Environmental Supervisor
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
gpetrick@bnicoal.com

Dear Mr. Petrick:

The Reclamation Division has conducted a technical review of BNI Coal Ltd.'s applications for Revision No. 19 and Renewal No. 6 to Surface Coal Mining Permit BNCR-9401 at the Center Mine. The following items must be adequately addressed prior to Commission approval of the revision and renewal applications. Since the current permit term will expire August 16, 2025, please respond to this letter **no later than the end of May**. A prompt response is necessary to keep the revision and renewal applications on schedule prior to the expiration of the current permit term.

Section 2.0 – Extended Mine Plan

1. Plate 2.1 (Extended Mine Plan) does not depict mining in Sections 29 and 30, T141N, R83W, whereas the February 28, 2025 version included with Revision 12 to Permit BNCR-1101 depicts mining in these areas. Please review and revise if necessary. (GAW, BSM)

Section 4 – Operations

2. The access road for Ash Cell 5 is delineated differently in Plate 4.1-1 (Pit Layout and Facilities Map) and Plate 4.5-1 (General Transportation Plan). If a portion of this access road is no longer applicable due to Ash Cell 5's construction, please review and revise Plate 4.1-1 and/or Plate 4.5-1 as necessary to ensure consistency and to mitigate potential confusion for the next permit term. (BSM)
3. The second sentence of the second paragraph in Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) references Ash Cell 2; however, neither Plate 4.1-1 (Pit Layout and Facilities Map) nor Plate 4.14-1 (Worst Case Bond Map) delineates Ash Cell 2 for reference. Please review and revise the narrative and/or Plates 4.1-1 and 4.14-1 to ensure Ash Cell 2 is clearly identified. (BSM)

Section 4.6 – Surface Water Management Plan

4. Plate 4.6-1 (Surface Water Management Plan) depicts Diversion D-5-1 extended to the south along the east side of Ash Cell 5. However, no updates have been made to Appendix 4.6-2 (Design Details – Diversion 5-1) regarding this portion of D-5-1. Please review and verify that all updated

information is included in the narrative and design information within Appendix 4.6-2 and make any necessary revisions. (BSM)

Section 4.7 – Water Monitoring and Drill Hole Reclamation Plans

5. Appendix 1-1 (Revision Summary and Lists of Changes) states that the narrative was updated in Section 4.7 (Water Monitoring and Drill Hole Reclamation Plans); however, no updates to the narrative in Section 4.7 are apparent. Please review and make the necessary updates to Section 4.7 if revisions were intended as indicated in Appendix 1-1. (JAR)

Section 4.14 – Reclamation Cost Estimate for Bonding Purposes

6. Plate 4.14-1 (Worst Case Bond Map) delineates MSHA sediment pond P-5-6 without the emergency overflow, which is located within Permit BNCR-9401. Although reclamation of P-5-6 is addressed within Permit BNCR-1101, please update Plate 4.14-1 to delineate the emergency overflow. (BSM)
7. The boundaries of permanent sedimentation ponds P-5-3, P-5-4, and P-5-5 are not delineated on Plate 4.14-1 (Worst Case Bond Map). Please revise Plate 4.14-1 to include the boundaries of these permanent sedimentation ponds. (BSM)
8. Section 4.14 (Reclamation Cost Estimate for Bonding Purposes) states that the worst-case bonding scenario is projected to occur in 2025. However, Plate 4.14-1 (Worst Case Bond Map) does not delineate existing subsoil stockpile NE8S01 or existing topsoil stockpiles NE8T02 and NW8T01-PF within Permit BNCR-9401. Although these stockpiles are designated for reclamation under Permit BNCR-1101, please delineate them within Plate 4.14-1. Additionally, please include a reclamation note in Plate 4.14-1, similar to the one used for MSHA Pond 5-6, to clearly document the intended handling of these existing stockpiles. (BSM)
9. Appendix 4.14-1 (Worst Case Bond Estimate) includes a sub-note* referencing the “ND Dept. of Health” at the bottom of page one. Please update this reference to reflect the current name “ND Dept. of Environmental Quality.” (BSM)

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

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