

September 23, 2026

RECEIVED

Mr. Jonathan Emmer
Director
Reclamation Division
Public Service Commission
600 East Boulevard Avenue
Bismarck, ND 58505

SEP 25 2026

**NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

RE: Revision 13 to Permit BNCR-1101

Dear Mr. Emmer:

The North Dakota Department of Environmental Quality, Division of Water Quality reviewed BNI Coal's application for revision number 13 to Surface Coal Mining Permit BNCR-1101. We have no objection to the revision which updates the Transportation Plan with plans for Haul Road Section B through Sections 13 and 14, T141N, R84W, the proposed overpass structure and temporary construction bypass, adds details for the 37th Avenue SW Bridge Dragline Bypass, and adds and updates culvert information. In addition, we have no objection to the updates to the Surface Water Management Plan which revises sediment ponds P-13-8 and P-13-9, adds Diversions D-14-4 and D-14-5, and discusses water management within the Haul Road Section B corridor.

Construction of the 37th Avenue SW crossing, bypass, and bridge can be covered by NDPDES permit #ND-0024601, Storm Water Permit - #NDR32-0009, or the department's construction general permit where appropriate by each respective permit. Construction activity related to BNI Coal project "BNI Coal 37th Ave SW Structure - 23936" is currently covered by the construction general permit (Permit ID# NDR114177).

In section 1.12, the expiration date for NDPDES permit #ND-0024601 should be updated to 12-30-2030. Additionally, the effective and expiration dates for the Storm Water Permit - #NDR32-0009 should be updated to 01-01-2025 and 12-31-2029, respectively.

At this time, the Division of Water Quality has no further comments regarding this revision.

Sincerely,



Dallas Grossman
Environmental Engineer
Division of Water Quality

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Revision 13 Advisory Review Response Letter DEQ Division of Water Quality

North Dakota Department of Environmental Quality (DEQ)
Dallas Grossman

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