MEMO TO : File
Center Coal Company Division of General Industries, Inc (Center Coal)
Center Coal Company Mine
Oliver County, North Dakota

FROM : Michaela Rose
Environmental Scientist
Division of Air Quality
North Dakota Department of Environmental Quality (Department)

RE : Permit to Construct (PTC) (ACP-18368 v1.0)

DATE : November 30, 2026

The Department received a timely permit to operate (PTO) renewal application on February 27, 2026, for Center Coal Company's PTO No. AOP-28151 v4.0. The current PTO expired on April 7, 2026, but has been extended for continued operation during permitting review.

During the permit file review for the PTO renewal, Department personnel discovered that a PTC was not issued for the current synthetic minor production limits. The production limits were revised during a PTO renewal process in April 1996[1], and a public comment period was held to conform to the requirements of North Dakota Administrative Code (NDAC) 33.1-15-14-03.1.f, ensuring federally enforceability of the PTO limits. Operating permits expire every five years or are completely replaced when revised, so in order to conform with the above referenced NDAC, a public comment period must be held for each revised or renewed PTO when maintaining a synthetic minor limit that was not established in a PTC that completed public participation.

Like NDAC 33.1-15-14-03.1.f, the PTC section of the NDAC rules (NDAC 33.1-15-14-02.6.a.7) has a similar provision regarding federal enforceability, however, PTCs and associated limits have no expiration date. Therefore, limits established through a PTC are only required to go through public comment one time, prior to PTC issuance. As a result of this, the Department is proposing to issue a PTC to incorporate the production limits previously established in April 1996 to prevent the need for future public comment obligations during PTO renewals.

There are no physical or operational changes associated with this proposed PTC.

[1] See "20151001-19830601Center Coal Company File.pdf", page 206, in the facility CERIS-ND record.

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The Department will make a recommendation on PTC issuance for Central Coal Company following the completion of a thirty-day public comment period. The public comment period will run from November 11, 2026, to December 10, 2026.

Update Post public comment

[RESERVED]

MER: RLS

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