

MEMO TO : File
Falkirk Mining Company
Falkirk Mine
McLean 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-18360 v1.0)

DATE : October 8, 2026

The Department received a timely permit to operate (PTO) renewal application on January 12, 2026, for Falkirk Mining Company's PTO No. AOP-28093 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 September 2006¹, 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 September 2006 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 "20130215-19920905Falkirk Mining Files.pdf", page 93, in the facility CERIS-ND record.

The Department will make a recommendation on PTC issuance for Falkirk Mine following the completion of a thirty-day public comment period. The public comment period will run from October 8, 2026, to November 7, 2026

Update Post public comment

[RESERVED]

MER: RLS