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| **From:** | Johnston, Cassie GRE-MG |
| **To:** | Trussell, Diana A. |
| **Cc:** | Craig, Alexis A. |
| **Subject:** | GRE Stanton Station Recorded Deed Notations |
| **Date:** | Wednesday, April 26, 2023 9:33:00 AM |
| **Attachments:** | 20230425 SS BAL Deed Notation Recorded.pdf<br>20230425 SS BAI Deed Notation Recorded.pdf |

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Diana,

Attached are copies of the recorded Mercer County deed notations, filed yesterday (4/25/23), for the Stanton Station closed bottom ash impoundment and bottom ash landfill facilities.

Thank you,

**Cassie Johnston**
**Manager, Environmental Services, Transmission**
**Great River Energy**
12300 Elm Creek Boulevard
Maple Grove, MN 55369-4718
Office: 763.445.5204 // Cell: 612.219.1512
www.GreatRiverEnergy.com

226024

**STATE OF NORTH DAKOTA** **OFFICE OF**
**COUNTY OF MERCER** **COUNTY RECORDER**

I hereby certify that the within instrument was filed in this office for record this 4/25/2023 at 11:50 AM, and was duly recorded a Book 235 MISC on Page 97 Fee: $65.00

County Recorder Shannon J. Singer

By Deputy _____

Return To: FREDRIKSON & BYRON, P.A. - BISMARC, 1133 COLLEGE
BISMARCK, ND 58501-1215

COUNTY RECORDER SEAL MERCER COUNTY, N.DAK

# DEED NOTATION
# COAL COMBUSTION RESIDUAL (CCR)
## Bottom Ash Surface Impoundment – Stanton Station

This Deed Notation is made by Great River Energy (Declarant) as of the date signed below pursuant to the Coal Combustion Residuals (CCR) Rule, and in accordance with 40 CFR § 257.102(i) and N.D.A.C. § 33.1-20-08-03(i).

A. Great River Energy is the owner of the real property located in Mercer County, State of North Dakota, legally described as follows:

A tract of land containing approximately 158.5 acres more or less, located in the east half of Government Lot 6 and all of Government Lots 7 and 8 in Section 16 and in the N ½ of Section 21, all in Twp. 144 N., Rge, 84 W., in Mercer County, North Dakota, and more nearly described as that tract of land bounded by a line beginning at a point which is the common section corner of Sections 15, 16, 21 and 22, and in said township and range and thence west along that section line which is the north boundary of said Section 21 for a distance of 165 feet; and thence south a distance of 700 feet along a line parallel to the east boundary of said Section 21; and thence east a distance of 165 feet to a point on the section line which is the east boundary of said Section 21 and the NE¼ of that Section; and thence south along the east boundary of said Section 21 to the southeast corner of said NE¼ of said Section 21; and thence west along the quarter line, to the northeast boundary of the Northern Pacific Railway right of way; and thence northwesterly to the boundary between the SE¼NE¼ and SW¼NE¼ of said Section 21; and thence north to the northwest corner of the SE¼NE¼ of said Section 21; and thence in a northwesterly direction bearing to a point on the northern boundary of said Section 21 which is approximately 1320 feet north and 1980 feet west from the northwest corner of the SE¼NE¼ of said Section 21, (said point being 1981.3 feet from the northwest corner of said Section 21); and thence north to the Missouri River water's edge which is the north boundary of Lot 6 of said Section 16 to a point which is approximately 660 feet west of the boundary between Government Lots 6 and 7 of said Section 16; and thence east along the water's edge, which is the south shore line of the Missouri River, a distance in excess of 3,300 feet to a point which is on the section line

that is the boundary between said Sections 15 and 16 and on the water's edge; and thence south along this section line to the point of beginning.

AND

A tract of land lying within Township 144 North, Range 84 West, more specifically described as follows, to-wit:

Commencing at the section corners common to Sections 15, 16, 21 and 22 of said Township, thence West 3721.3 feet along the North boundary of Section 21 to the point of beginning of the property to be conveyed, said point being 1541.3 feet East of the Northwest corner of Section 21; thence Southeasterly approximately 2050 feet to the North boundary of the Southwest ¼ of Northwest ¼ of Section 21 and 790 feet West of the Northeast corner of the Southwest ¼ of Northeast ¼ of said Section; thence South approximately 385.5 feet to the Northeast boundary of the Northern Pacific Railway right-of-way, thence Northwesterly along said Northern Pacific Railway right-of-way to the East boundary of the Northwest ¼ of Northwest ¼ of Section 21; thence North along this boundary and the continuation thereof which is also the boundary between Lots 5 and 6 of Section 16 to the water's edge of the Missouri River, which is also the North boundary of Lot 6 of said Section 16; thence East along the water's edge approximately 220 feet to a point 1100 feet West of the boundary line running between Lots 6 and 7 of said Section, thence South on a line parallel to said boundary line to the point of beginning, which said tract contains 24 acres, more or less.

AND

A tract of land lying within Township One Hundred Forty Four (144) North, Range Eighty four (84) West, more specifically described as follows, to-wit:

Commencing at the section corners common to Sections 15, 16, 21 and 22 of said Township, thence West 3501.3 feet along the north boundary of Section 21 to the point of beginning, which point is 1761.3 feet east of the northwest corner of Section 21; thence southeasterly approximately 2250 feet to the north boundary of the SW ¼ NE ¼ of Section 21 and approximately 350 feet west of the northeast corner of the SW¼NE¼ of said section; thence south approximately 707.4 feet to the northeast boundary of the Northern Pacific Railway right-of-way; thence northwesterly along said Northern Pacific Railway right-of-way approximately 545 feet, thence north to a point on the north boundary of the SW¼NE¼ of Section 21, said point being 790 feet west of the northeast corner of the SW¼NE¼ of said Section; thence in a northwesterly direction bearing to a point 220 feet west of the point of beginning and on the north boundary line of Section 21, which is also the south boundary of Lot 6 of said Section 16; said point being 1100 feet west of the boundary line running between Lots 6 and 7 of said section; thence east along the water's edge approximately 220 feet to a point which is 880 feet west of the said boundary line running between Lots 6 and 7 of said Section; thence south on a line parallel to said boundary line to the point of beginning, the said tract containing 24 acres, more or less, subject to easements of record and mineral rights reserved, if any.

A tract of land lying within Township One Hundred Forty-Four (144) North, Range Eighty-Four (84) West, more specifically described as follows, to-wit:

Commencing at the Section Corner common to Sections 15, 16, 21 and 22 of said Township, thence West 3281.3 feet along the North boundary of Section 21 to the point of beginning of the land to be conveyed; (said point being 1981.3 feet from the Northwest corner of said section 21); thence running south and parallel with the west section line for a distance of 105.1 feet; thence east and parallel with the north section line for a distance of 155.9 feet; thence southeasterly 2178.8 feet to the Northwest corner of the SE¼NE¼ of Section 21; thence south 963.4 feet along the west boundary of said SE¼NE¼ of Section 21 to the northeast boundary of the Northern Pacific Railway right-of-way; thence northwesterly along said Northern Pacific Railway right-of-way 433.8 feet; thence north 707.4 feet to a point on the north boundary of the SW¼NE¼ of Section 21, said point being 350 feet west of the Northeast corner of the SW¼NE¼ of said Section; thence in a northwesterly direction bearing to a point 220 feet west of the point of beginning of this tract and on the north boundary of Section 21, which is also the south boundary of Lot 6 of Section 16; thence north to the water's edge of the Missouri River, which is the North Boundary of Lot 6 of Section 16; this point being 880 feet west of the boundary line running between Lots 6 and 7 of said Section; thence running along the water's edge in an easterly direction approximately 220 feet to a point being 660 feet west of the said boundary line running between Lots 6 and 7 of said Section; thence south on a line parallel to the boundary of said Lots 6 & 7 to the point of beginning, said tract containing 23.81 acres, more or less.

(collectively, the "Property").

B. A certain portion of the Property is now a closed bottom ash surface impoundment, which was comprised of three cells: north, center, and south.

C. The north and center cells were closed by removal of CCR in the fall of 2019, and are not subject to the post-closure restrictions set forth herein.

D. The south cell is referred to hereinafter as the "Bottom Ash Surface Impoundment," historically received CCR and non-CCR waste streams, until October 27, 2019. It is estimated that the total quantity of bottom ash placed in the Bottom Ash Surface Impoundment is approximately 88,000 cubic yards of bottom ash, coal and coal yard material, fly ash, and construction and debris material. Final closure of the Bottom Ash Surface Impoundment was completed at the end of July 2020. The Bottom Ash Surface Impoundment is generally depicted on Exhibit A attached hereto.

E. The closure was completed with CCR left in place accordance with the requirements of 40 CFR Part 257.102(d) and as further described in the closure and post-closure plan dated September 5, 2019.

F. Following closure of a CCR unit, pursuant to 40 CFR § 157.102(i) and N.D.A.C. § 33.1-20-08-03(i), the owner or operator shall record a notation on the deed to the property, or some other instrument that is normally examined during title search. The notation on the deed must in perpetuity notify any potential purchaser of the property that the land has been

used as a CCR unit and its use is restricted under the post-closure care requirements for said unit.

G. This Deed Notation is submitted for purposes of notifying any potential purchaser of the Property that it has been used as a CCR unit and its use is restricted.

H. The use of the closed Bottom Ash Surface Impoundment is restricted. It will be designated as open space during the post-closure period and will be controlled via earthworks grading features, fences/gates, and/or signage. No cultivation, heavy grazing, buildings, recreational, public, or other uses which might disturb the protective vegetative and soil cover are permitted on the closed Bottom Ash Surface Impoundment. Post-closure use of the property may not disturb the integrity of the final cover, liner, or any other component of the containment system, or the function of the monitoring systems unless necessary to comply with the requirements in applicable laws, rules, and/or regulations, and/or as directed by regulators with competent authority. Any other disturbance is allowed if the owner or operator of the CCR unit demonstrates that disturbance of the final cover, liner, or other component of the containment system including any removal of CCR, will not increase the potential threat to human health or the environment, subject to the requirements of applicable laws, rules, and regulations. Any interested person may contact the North Dakota Department of Environmental Quality, Division of Waste Management, in Bismarck, North Dakota for more information regarding the disposal site.

I. The restrictions created in this instrument shall be deemed to run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors, assigns and the tenants, concessionaires, licensees and invitees of any of them.

**[SIGNATURE PAGE FOLLOWS]**

GREAT RIVER ENERGY

By _____
Eric J. Olsen, Vice President & General Counsel

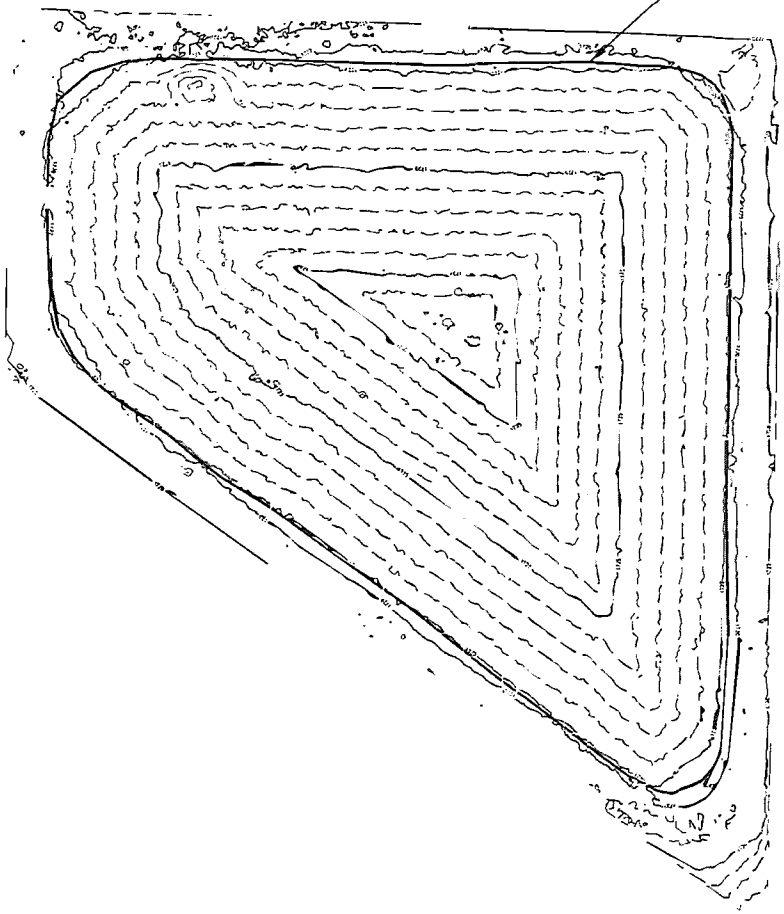
STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 17th day of April, 2023, by Eric J. Olsen, the Vice President & General Counsel of Great River Energy, a cooperative corporation under the laws of the State of Minnesota, on behalf of the corporation.

JACKELYN K. VANNORMAN
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

_____
Notary Public

This instrument was drafted by:
Fredrikson & Byron, P.A. (pdjm)
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402




Total cover thickness (growth medium and topsoil) above geomembrane/GCL liner system was verified to be a minimum of 36 inches.

REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR
DAREN PETERKA
PE-4358
LS-4358
DATE 9.30.20
NORTH DAKOTA

N

100' 0 100'

Great River Energy - Stanton Station
Stanton Site Restoration
Stanton, North Dakota

SOW G - Bottom Ash Impoundment South Cell - Growth Medium As-Built

Drawn By: Daren Peterka | Project No.: 19-08-027

Checked By: Daren Peterka | Date: September 28, 2020

Interstate Engineering, Inc.
P.O. Box 2035
1503 12th Ave. S.W.
Jamestown, ND 58402-2035
Ph. (701) 252-7251
Fax (701) 252-4366
www.interstateeng.com

INTERSTATE ENGINEERING
Professionals you need, people you trust

1
SHEET NO.

9/28/2020 Q:\2019\19-All Surveys\19-08-027\SOW GMAs-Built Sheet - Growth Medium.dgn

EXHIBIT A TO NOTATION

EXHIBIT A TO NOTATION