

RULES AND OTHER GOVERNING PROVISIONS**ITEM 100
COAL DUST MITIGATION REQUIREMENTS**

1. To prevent contamination of the rail ballast caused by fugitive coal dust, BNSF is modifying the loading requirement applicable to all coal cars loaded at Montana and Wyoming mines by shippers whose coal transportation is subject to this Rules Book.
2. Effective October 1, 2011, shippers loading coal at any Montana and Wyoming mine must take measures to load coal in such a way that any loss in transit of coal dust from the shipper's loaded coal cars will be reduced by at least 85 percent as compared to loss in transit of coal dust from coal cars where no remedial measures have been taken. At least 30 days prior to loading cars for shipment by BNSF, a Shipper shall provide BNSF with written notice of compliance efforts.
3. A shipper will be deemed to be in compliance with the loading requirement set out in this Item if the shipper satisfies Sections 3.A and 3.B below or pursues the option in Section 4 below:
 - A. Shipper ensures that loaded uncovered coal cars will be profiled in accordance with BNSF's published template entitled "Redesigned Chute Diagram" located in Appendix A to this publication.
 - B. Shipper ensures that an acceptable topper agent (e.g., surfactant) will be properly applied to the entire surface of all loaded coal cars at an effective concentration level and in accordance with the manufacturer's specifications. An acceptable topper agent is one that has been shown to reduce coal dust loss in transit by 85%. Appendix B to this publication lists the topper agents that meet this criteria. Proper use of any one of the topper agents on the approved list in accordance with the manufacturer's specifications and at the application rates specified in Appendix B, will satisfy this safe harbor provision. BNSF will consider other topper agents to be acceptable for purposes of this safe harbor provision if the shipper can demonstrate that appropriate testing has shown that the topper agent achieves compliance with this Item. Guidelines for the testing of new topper agents will be provided upon request.
4. Shipper may seek inclusion of any other method of coal dust suppression (e.g., compaction or other technology) in the safe harbor provision of Section 3.B above by submitting a compliance plan to BNSF that provides evidence demonstrating that an additional proposed compliance measure will result in compliance with this Item. Shipper must also satisfy the profiling requirement of Section 3.A above. Any product including topper agents, devices or appurtenance utilized by the Shipper or Shipper's mine agents to control the release of coal dust shall not adversely impact railroad employees, property, locomotives or owned cars.

ISSUED: September 19, 2011

EFFECTIVE: October 9, 2011

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