



THE FALKIRK MINING COMPANY
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April 7, 2009

Mr. James R. Deutsch
Director, Reclamation Division
ND Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480

RE: Interim Measures for Notice of Violation No. 0901

Dear Mr. Deutsch:

This letter addresses the interim measures The Falkirk Mining Company (Falkirk) has taken to minimize the amount of erosion to the embankment of Sedimentation Pond P-E13-01 and future deposition of sediment on downstream undisturbed areas. On March 23, 2009, a diesel pump was set to begin discharging water from the pond immediately following a mine site inspection of the pond by the Public Service Commission and North Dakota Health Department (NDDH); a copy of the NDDH inspection is attached. It was decided during the inspection that the pond could be pumped offsite to lower the water level below the erosion feature if the pump discharges could be managed to meet the precipitation related discharge limits in the NDPDES permit (settleable solids limit of 0.5mL/L). As noted in the attached inspection report, sample results for settleable solids from the uncontrolled discharge when first observed by Falkirk on March 20, 2009 were 0.4mL/L. The water level in the pond at the time of the inspection was approximately four feet above permanent pool elevation (PPE). The pond water level was lowered about two feet below the embankment erosion feature (or 2.5 feet above PPE) by March 24, 2009. Settleable solids collected on March 25, 2009 were less than 0.1 mL/L. Pumping of the pond was discontinued on March 26, 2009 at which time the water level was approximately five feet below PPE (or 10.0 feet below the erosion feature). Pumping was reinitiated on March 30, 2009 and has continued, keeping the water level well below the erosion feature. Pumping operations will continue as needed and discharge water samples will be taken for analysis of settleable solids (on a weekly basis) to maintain the pond at the lowest level possible below the erosion feature of the pond embankment and to maintain the precipitation related discharge limits noted above.

On April 4, 2009, a sump was excavated with a backhoe in the basin of a Pre-Mining Stockpond, SP-SW13-1, located immediately upstream of Sedimentation Pond P-E13-01 (refer to attached photo #1). The embankment of this stockpond was removed during the construction of Sedimentation Pond P-E13-01. A bale dike was installed on the downstream side of the sump

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as shown on the attached photographs of the sump. An additional silt fence will be installed on the downstream side of the embankment once the snow has melted (refer to attached photo # 2).

If you have any questions or require additional information, please advise.

Sincerely,

THE FALKIRK MINING COMPANY

A handwritten signature in blue ink that reads "Joe Clarke".

Joseph W. Clarke III
Environmental Manager

JWC/dge
cc: Randy Kowalski, NDDOH



