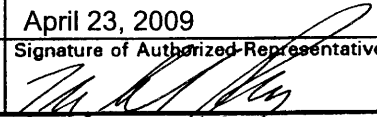




**MODIFICATION OF NOTICE OF VIOLATION**  
**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
**RECLAMATION DIVISION**  
 SFN 10569 (10-93)

<b>To the following Permittee or Operator:</b>		N.O.V. Number 0901	
Name of Permittee The Falkirk Mining Company		Permit Number NAFK-8405	
Address PO Box 1087	City Underwood	State ND	Zip Code 58576-1087
Telephone Number 701-443-5751	Mine Falkirk	County McLean	
Name of Operator (if other than permittee)			
Address	City	State	Zip Code
<p>Notice of Violation No. <u>0901</u> is hereby modified as follows:</p> <p>The "Nature of Violation" is modified to read as follows: "Subsoil material used to construct the embankment of sedimentation Pond P-E13-01, located in the SW¼SW¼ of Section 13, T146N, R82W, eroded and formed a hole along the west side of the 36-inch diameter barrel (discharge pipe) of the principle spillway that goes through the embankment of the pond. The erosion feature that goes through the embankment is approximately 2.5 feet in diameter and runs the entire length of the barrel which is about 110 feet long. The erosion of embankment material along the barrel of the drop inlet spillway caused an uncontrolled discharge of sediment laden water and resulted in the deposition of sediment in the undisturbed drainage downstream of pond within the boundaries of Permit NAFK-8405."</p> <p>Under the "Provision(s) of the Statute, Rules, or Permit Violated" the reference to NDAC 69-05.2-16-08(1)(a) is deleted as, upon further review of the affected areas, the Reclamation Division did not find any evidence that there were any additional contributions of sediment to the stream flow or to runoff outside the permit area.</p> <p>Under the "Time for Abatement" the time period for completing work to reconstruct the spillway and repair the embankment of Pond P-E13-01 is extended to 75 days from the permittee's receipt of Notice of Violation 0901.</p>			
Print Name of Person Served Joe Clarke		Print Title of Person Served Environmental Manager	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service April 23, 2009	
Signature of Person Served		Signature of Authorized Representative 	

Distribution: White - Public Service Commission Canary - Permittee, Operator Pink - OSM Field Office