

## Hibl, Sheila

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**From:** Deutsch, James R.  
**Sent:** Friday, May 07, 2010 8:25 AM  
**To:** Moos, Dean K.; Schroeder, Stephan A.; Klingenstein, Matt S.  
**Cc:** Hibl, Sheila; Gunnerson, Bill T.  
**Subject:** FW: NOV-1001

This is BNI's response to the NOV remedial measures that needed to be completed within 5 days. Sheila – please save a copy to the NOV e-file and Case No. RC-10-143. Thanks!

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**From:** Jay Volk (BNI Coal) [mailto:jvolk@bnicoal.com]  
**Sent:** Friday, May 07, 2010 8:17 AM  
**To:** Deutsch, James R.  
**Cc:** Wade Boeshans (BNI Coal); Mike Heger (BNI Coal)  
**Subject:** NOV-1001

Jim,

Prior to receiving the letter regarding NOV-1001 on 5-5-10, BNI had in place the appropriate signage, cones, and lathe properly securing the area from unwarranted traffic. Additionally, sediment fence was installed to protect the area during the repair project. BNI's measures taken to stabilize the road surface prior to receiving your letter should exceed the requirements dictated in the abatement portion of the NOV which indicated, "steps to stabilize the road surface must be completed within 5 days of receipt of this Notice of Violation". The repair project is underway and is planned to be completed next week, weather permitting.

If you have any questions concerning the steps taken to secure the road surface or repair plans previously submitted, please contact me at the Center office.

Jay M. Volk, Ph.D  
Environmental Supervisor