

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Fairmount Minerals
Variance Permits
Application**

Case No. WM-13-56

TEMPORARY VARIANCE PERMIT
Expires: Midnight on October 31, 2013

PLAN OF COMPLIANCE
Due: Close of Business on April 30, 2013

Issued To:

Fairmount Minerals
11833 Ravenna Rd
Chardon OH 44024

Scale Location:

Blaisdell Industrial Sand Terminal Project
6350 67th Ave NW
Blaisdell, ND 58718

Scale Information:

North Scale: Cardinal, Model 135130-EPR 130' long, steel deck with side rails, 135 ton nominal capacity, Serial Number S0242965

South Scale: Cardinal, Model 135120-EPR 120' long, steel deck with side rails, 135 ton nominal capacity, Serial Number S0242957

Request To:

Operate two truck scales that deviate from North Dakota Weights and Measures rules as follows:

- 1) Less clearance (5 1/8") than required (12") between the "I" beam and the slab.
- 2) Less inside clearance (2' 6") than required (5') between the scale deck and the doorsill.
- 3) Approaches:
 - a. Less level concrete (10') than required (12') for the portion of the approach adjacent to the scale;
 - b. Greater slope (1.55" per foot) than allowed (1/3" per foot) for the remainder of the approach.

Temporary Variance Permit Conditions:

- The scales must be placed in service at acceptance tolerance as identified in NIST Handbook 44 G-T.1;
- The scales must be retested and adjusted once every three months by a registered service company to maintain acceptance tolerance;
- The three-month registered service company test reports must be submitted to the Commission within seven working days of the test date and a copy retained by Fairmount Minerals;
- The service company test reports must include both the “as found” and “as left” readings;
- The scales must be operated according to all applicable North Dakota Laws and Rules; and
- Each enclosed variance permit must be posted near the designated scale in a place conspicuous to the public.

Plan of Compliance:

No later than **close of business on April 30, 2013**, Fairmount Minerals shall submit for Commission approval a plan to bring the two truck scales into compliance with North Dakota laws and rules with respect to:

- approaches to the scales and
- clearance between the scale and the door sill

If you have any further questions, or require additional information, please feel free to contact me at (701) 328-4077.

Dated February 6, 2013



Patrick Fahn, Director
Compliance and Competitive Markets Division

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

TEMPORARY VARIANCE PERMIT

EXPIRES: Midnight on October 31, 2013

Issued To:

Fairmount Minerals
11833 Ravenna Rd
Chardon OH 44024

Scale Location:

Blaisdell Industrial Sand Terminal Project
6350 67th Ave NW
Blaisdell, ND 58718

Scale Information:

North Scale: Cardinal, Model 135130-EPR 130' long, steel deck with side rails, 135 ton nominal capacity, Serial Number S0242965

This temporary variance permit allows the above referenced truck scale to be operated with the following deviations from North Dakota Weights and Measures rules:

- 1) Less clearance (5 1/8") than required (12") between the "I" beam and the slab.
- 2) Less inside clearance (2' 6") than required (5') between the scale deck and the doorsill.
- 3) Approaches:
 - a. Less level concrete (10') than required (12') for the portion of the approach adjacent to the scale;
 - b. Greater slope (1.55" per foot) than allowed (1/3" per foot) for the remainder of the approach.

This temporary variance permit must be posted near the scale in a place conspicuous to the public and is dependent upon Fairmount Minerals adhering to the conditions presented to them under separate cover.

Dated February 6, 2013.



Patrick Fahn, Director
Compliance and Competitive Markets Division

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STATE OF NORTH DAKOTA

TEMPORARY VARIANCE PERMIT

EXPIRES: Midnight on October 31, 2013

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Fairmount Minerals
11833 Ravenna Rd
Chardon OH 44024

Scale Location:

Blaisdell Industrial Sand Terminal Project
6350 67th Ave NW
Blaisdell, ND 58718

Scale Information:

South Scale: Cardinal, Model 135120-EPR 120' long, steel deck with side rails, 135 ton nominal capacity, Serial Number S0242957

This temporary variance permit allows the above referenced truck scale to be operated with the following deviations from North Dakota Weights and Measures rules:

- 1) Less clearance (5 1/8") than required (12") between the "I" beam and the slab.
- 2) Less inside clearance (2' 6") than required (5') between the scale deck and the doorsill.
- 3) Approaches:
 - a. Less level concrete (10') than required (12') for the portion of the approach adjacent to the scale;
 - b. Greater slope (1.55" per foot) than allowed (1/3" per foot) for the remainder of the approach.

This temporary variance permit must be posted near the scale in a place conspicuous to the public and is dependent upon Fairmount Minerals adhering to the conditions presented to them under separate cover.

Dated February 6, 2013.



Patrick Fahn, Director
Compliance and Competitive Markets Division

Bauske, Shelly A.

From: Josh Turigliatti <Josh.Turigliatti@fmsand.com>
Sent: Wednesday, February 06, 2013 7:05 PM
To: Bauske, Shelly A.
Subject: RE: Temporary Variance Permit for Fairmount Minerals

Address:

PO Box 736, 4115 Progress Dr.
Ottawa, IL 61350-0736

Josh Turigliatti
Fairmount Minerals
4115 Progress Dr.
Ottawa, IL 61350-0736
P 815-433-2449 Ext 8073
C 815-587-4592
Josh.Turigliatti@fmsand.com

From: Bauske, Shelly A. [<mailto:sbauske@nd.gov>]
Sent: Wednesday, February 06, 2013 3:15 PM
To: Josh Turigliatti
Subject: Temporary Variance Permit for Fairmount Minerals

Good Afternoon Josh

Attached is the Temporary Variance Permit.

What address should I mail the original to?

Thank you.

Shelly Bauske
Public Service Commission
600 E Boulevard Ave Dept 408
Bismarck ND 58505-0480
701-328-4070