

# FAIRMOUNT Minerals

April 16, 2013

Public Services Commission  
North Dakota Weights and Measures  
600 E Boulevard, Dept. 408  
Bismarck, ND 58505-0480



ATTN: Mr. Patrick Fahn  
701.328.4077

RE: Blaisdell Industrial Sand Terminal Project  
6350 67<sup>th</sup> Ave NW  
Blaisdell, ND 58718

Temporary Variance Permit  
Case No. WM-13-56

SUBJECT: PARTIAL PLAN OF COMPLIANCE

Mr. Fahn:

Fairmount Minerals appreciates you and your staff's time in reviewing the requested scale variance. In the received scale variance letter, two items were identified for the Plan for Compliance. This letter is intended to resolve one of those items, the "approaches to the scales."

The Temporary Variance Permit letter identifies two issues with the approaches:

1. 12 feet of level concrete is required for the portion of the approach adjacent to the scale. The approaches in place have 10 feet of level concrete.
2. The remaining approach is sloped greater than the required 1/3 inch per foot. The approaches in place have a slope of 1.5 inch per foot.

In reviewing these items and developing a plan for compliance, we discovered that these items do not exactly meet the ND requirements. With reference to 69-10-02-09, please note the following:

The ND requirement states "the first twelve feet of approach from the scale must be metal or concrete", and that "slope of the approaches away from the scale deck may not exceed one-third in per foot". By the ND requirement, the slope of the approach should start at the scale deck, and the ND requirement does not call for any level approach area adjacent to the scale.

The level approach requirement shows up in NIST Handbook 44. The Handbook 44 requirement is 10 foot of level approach adjacent to the scale. Note that the scales are fully compliant with the Handbook 44 requirements, including both approach level plane and slope.

6 **WM-13-56** Filed: 4/17/2013 Pages: 10  
**Partial plan of compliance**

Fairmount Minerals

Josh Turigliatti, Project Manager

Given the above, and the concrete approaches in place, FM developed the following plan to bring the scales into compliance with ND standards.

1. Regrade the existing southeast site embankment, removing approximate 30 feet of a curved 20 foot high embankment. Remove the material from the site.
2. Trim existing concrete approaches 12 feet from the inside edge, and dispose of the waste reinforced concrete material.
3. Place compacted fill subgrade in the approach area, sloped at the ND standard slope of 1/3 in per foot. The area would extend approximately 50% longer than the current approaches, and be sloped to the sides of the approach per standard fill procedures.
4. Install a subgrade drainage system to drain the areas between the approaches, as in extending the approaches, and at the overall gradation of the site, an area between the approaches.
5. Asphalt pave the approaches and the area between and around the approaches, as a gravel surface will not allow proper drainage. The asphalt area would have to continuously maintained as the available slope for drainage is less than recommended.

As noted above, the footprint of the silos and scales, and the overall site geometry with drainage from north to south, means that extending the approaches creates serious drainage issues to resolve on the site.

The costs to resolve this item are significant. Below is a summary:

Demolition	\$ 18,000
Sitework	\$ 53,000
Paving	<u>\$ 67,000</u>
Total	\$ 138,000

In addition to the above information, we would also note that the scales are in successful operation under the Temporary Variance Permit. In a report through April 10, 2013, with the system in operation for less than 4 months, the scales have been used to load and tare 900 trucks with a total amount of product loaded at over 18,500 tons. Being the winter months in Blaisdell, North Dakota, a deficiency in the approaches would have shown itself. Not a single truck had an issue with using these scales or approaches, and that same holds true through today.

The scales are being tested, adjusted and the reports sent to the Commission for review, as required by ND and outlined in the Temporary Variance Permit letter.

Again, FM appreciates your review of this letter and factors presented. While we have presented a plan to address the approaches, the system is fully functional and working without issue. The "fixes" would not functionally improve the commercial use of the scale or the plant operations. The costs associated with the work are prohibitive, and the work causes other issues on the site. Please approve the design as it was constructed.

If you have questions on this, or would like to discuss further, feel free to contact me. We could also arrange a site visit so you can see the scales and approaches in operation, and can provide positive feedback from state registered scale calibration companies on their opinions on the approach slope from both a scale testing and truck loading perspective.

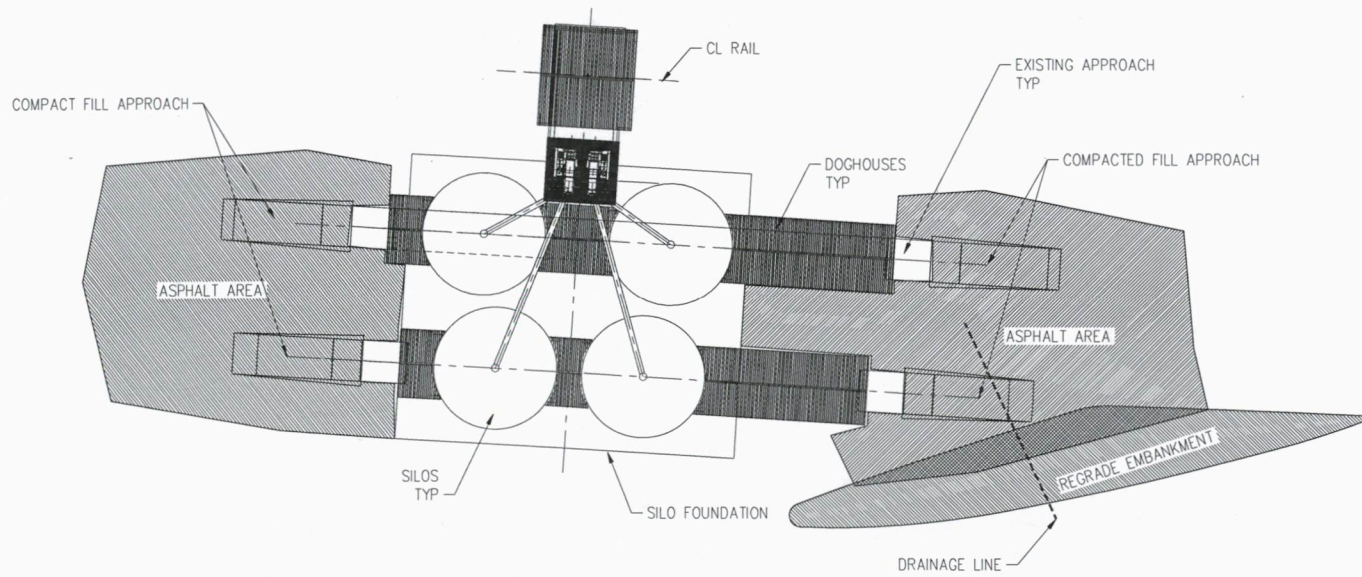
Regards,

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and horizontal strokes.

Josh Turigliatti  
*Project Manager*  
Fairmount Minerals

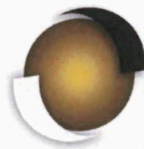
Cc: File  
TC

Enc. Sketch



1 MOD SKETCH  
1/32

					<b>CUSTOMER NAME:</b> FAIRMOUNT MINERALS	<b>FOR REVIEW</b>				
					<b>PROJECT NAME:</b> BLAISDELL FRAC SYSTEM	<b>APPROACH REWORK SKETCH</b>	<b>PROJ #</b> 02753	<b>JOB #</b>	NA	
					<b>PROJECT LOCATION:</b> BLAISDELL, ND		<b>DWG #</b> SK06			
0	FOR REVIEW	4/15/2013	RB	BB						
<b>REV</b>	<b>REVISION DESCRIPTION</b>	<b>DATE</b>	<b>DRAWN BY</b>	<b>CHECKED BY</b>						
		<b>DWG SIZE:</b> D		<b>SCALE:</b> NTS						



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North Dakota Weights and Measures  
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RE: Blaisdell Industrial Sand Terminal Project  
6350 67<sup>th</sup> Ave NW  
Blaisdell, ND 58718

Temporary Variance Permit  
Case No. WM-13-56

SUBJECT: PARTIAL PLAN OF COMPLIANCE

Mr. Fahn:

Fairmount Minerals appreciates you and your staff's time in reviewing the requested scale variance. In the received scale variance letter, two items were identified for the Plan for Compliance. This letter is intended to resolve one of those items, the "clearance between the scale and the door sill."

Section 69-10-02-09, Item 2, states:

*An inside scale must measure a minimum of five feet [1.52 meters] of reinforced concrete between the scale deck and the inside of the doorsill at both ends of the scale.*

As described and shown in previous correspondence and pictures, the rollup doors used on the west side of the scales do not have a doorsill. There is nothing across the threshold of the door at the base, and when the door is in the up position, the opening is exactly the same as if there was no door at all. We incorrectly interpreted the ND requirement as referring to the door itself. However, the requirement applies only to doorsills. No doorsills are present, and therefore, this requirement would not apply.

FM believes this brings resolution to the clearance item. If you have questions on this, or would like to discuss further, feel free to contact me.

Regards,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Josh Turigliatti  
*Project Manager*  
Fairmount Minerals

Cc: File  
TC

Enc.

**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 67<sup>th</sup> 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 67<sup>th</sup> 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

**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 67<sup>th</sup> 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