



Public Service Commission

State of North Dakota

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August 20, 2013

Jay M. Volk, Ph. D
Environmental Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499

Dear Dr. Volk:

The Reclamation Division has reviewed BNI Coal, Ltd.'s submittal dated June 21, 2013 in response to Notice of Violation (NOV) 1301 that was issued on June 14, 2013. In addition, several follow-up field inspections of the site have been conducted with the most recent inspection occurring on August 7, 2013. The Reclamation Division has deemed the remedial actions completed adequate to terminate NOV-1301. The termination notice is enclosed.

BNI Coal, Ltd. paid the proposed penalty on July 30, 2013 and later withdrew the request for an informal conference on NOV-1301. A final order will be prepared for Commission action to affirm the violation and penalty, note the cancellation of the informal conference, and close Commission Case No. RC-13-334.

Please contact me if you have any questions.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure

Certified Mail

Minedata/Center/Violations/2013/NOV-1301/NOV-1301_term_ltr_8-20-13



TERMINATION OR VACATION OF NOTICE OF VIOLATION
NORTH DAKOTA PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10570 (10-93)

To the following Permittee or Operator:		N.O.V. Number 1301	
Name of Permittee BNI Coal, Ltd.		Permit Number BNCR-9401	
Address 2360 35th Avenue SW	City Center	State ND	Zip Code 58530
Telephone Number 701-794-8734	Mine Center	County Oliver	
Name of Operator (if other than permittee) Same			
Address	City	State	Zip Code
Notice of Violation No. <u>1301</u> is hereby <input checked="" type="checkbox"/> terminated <input type="checkbox"/> vacated for the following reasons: The required remedial actions have been completed.			
Print Name of Person Served Jay M. Volk		Print Title of Person Served Environmental Manager	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service August 20, 2013	
Signature of Person Served		Signature of Authorized Representative <i>Bill Bensinger</i>	