



Public Service Commission

State of North Dakota

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October 7, 2014

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 letter dated September 19, 2014 in response to Notice of Violation (NOV) 1402 that was issued on September 9, 2014. In addition, Reclamation Division staff inspected completion of the remedial action items on September 24th and is satisfied that the required remedial action measures have been satisfactorily completed. The Reclamation Division has determined that the completed remedial actions are adequate to terminate NOV-1402. The termination notice is enclosed.

Termination of a notice of violation does not affect the Commission's right to assess civil penalties. Any request for an informal conference or formal public hearing must be filed within thirty (30) days of your receipt of NOV 1402.

If you have any questions, please contact this office.

Sincerely,

to James R. Deusch
Director
Reclamation Division

Enclosure

Certified Mail

cc: OSM-Casper Field Office

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NOV termination notice sent to BNI Coal
Public Service Commission
Dean Moos