



NOTICE OF VIOLATION
NORTH DAKOTA PUBLIC SERVICE COMMISSION
 SFN 18099 (10-91)

Name of Permittee Coyote Creek Mining Company, L.L.C.		N.O.V. Number 1501	
Address 6502 17th St. SW		City Zap	Permit Number NACC-1302
Telephone Number 701-873-7800	Mine Coyote Creek Mine	State ND	Zip Code 58580
Name of Operator (if other than permittee)		County Mercer	
Address		City	State
Date of Inspection April 16, 2015		Time of Inspection From: 1:45	To: 3:25

Under the authority of North Dakota Century Code Chapter 38-14.1, the undersigned authorized representative of the Commission has conducted an inspection of the above mine on the above date and has found a violation of the statute, rules, permit condition(s), or section(s) of the approved operations and reclamation plan listed on page 2 of this Notice of Violation.

You must abate this violation within the designated abatement time.

The undersigned authorized representative finds that cessation of surface mining activities is is not expressly or implicitly required by this Notice of Violation.

This Notice of Violation shall remain in effect until it expires as provided on the reverse side of this page, or is terminated or vacated by written notice by an authorized representative of the Commission.

Print Name of Person Served Donn Steffen	Print Title of Person Served Engineering and Environmental Manager
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail	Date of Service April 24, 2015
Signature of Person Served	Signature of Authorized Representative <i>Bruce Beechie</i>

Nature of Violation
Placement of a mixture of subsoil and overburden on undisturbed, in-situ topsoil and up against an adjacent topsoil stockpile. The soil/overburden mixture was from large diameter holes drilled for an electrical substation that is needed for the Coyote Creek Mine.
(if applicable, include the extent to which the violation cannot be corrected)

IMPORTANT - PLEASE READ THE REVERSE OF THIS PAGE

Notice of Violation Number 1501

Provision(s) of the Statute, Rules, or Permit Violated
NDAC 69-05.2-15-02(1) and 69-05.2-15-(2)(a) and (b)(1)
NDAC 69-05.2-15-03(2)

Portion of the Operation to which this Notice Applies (Include legal description)
A small area of undisturbed land adjacent to topsoil stockpile TS-5 that is located adjacent to the MDU electric substation construction site in the SW1/4 of Section 24, T143N, R898W

Remedial Action Required (including interim steps, if any)
Coyote Creek Mining Company had cleaned up the area of the violation on the morning of April 17, 2015, the day after discovery of the violation. Photographs of the cleaned-up area were sent to the Reclamation Division by Coyote Creek Mine personnel the same day. The mixture of subsoil and overburden was hauled to a spoil area near the Coyote Creek Mine shop/office complex for disposal. Coyote Creek Mining Company must describe the procedures that will be used to ensure that all topsoil is removed and protected from all areas that will be affected by mining related disturbances, including work carried out by any contractor performing mine related work in the permit area.

Time for Abatement (including interim steps, if any)
Procedures to ensure that all topsoil is removed and protected from areas to be affected by mining activities must be submitted within 15 days of receipt of this Notice of Violation.

IMPORTANT - PLEASE READ CAREFULLY

1. **MINESITE HEARING.** A Notice of Violation which requires cessation of surface mining activities, expressly or by necessary implication, shall expire within thirty (30) days after it is served unless an informal public minesite hearing has been held at or near the minesite within that time or the hearing has been waived. On the reverse of this page, an authorized representative has made a finding as to whether this Notice requires cessation of surface mining activities. If cessation of mining is required, an informal public minesite hearing will be automatically scheduled by the North Dakota Public Service Commission and will be held within thirty (30) days of the service of this Notice, unless you or your agent waive that hearing in writing.
2. **INFORMAL CONFERENCE.** Notwithstanding the informal minesite hearing provided for in paragraph 1, you must apply for an informal conference with the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice in order to preserve your appeal rights. You may apply for an informal conference by submitting a written request for an informal conference to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. The informal conference will be held in the locality of the mine if requested. A stenographic record will be made of the informal conference unless waived by all parties.
3. **FORMAL PUBLIC HEARING.** If you do not desire an informal conference, you may apply for a formal hearing regarding this Notice by submitting a written request for a hearing to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. If you do not request an informal conference or a formal public hearing within thirty (30) days, your right to appeal will be forfeited. Please note that you will also have the opportunity to request a formal hearing within thirty (30) days of the decision on the informal conference held under paragraph 2.
4. **TEMPORARY RELIEF.** You have the right to request temporary relief from this Notice pending completion of any investigation and hearing procedures being conducted. A request for temporary relief must be in writing as set forth in subsection 4 of North Dakota Century Code Section 38-14.1-30 and filed with the North Dakota Public Service Commission. The request for temporary relief must include a detailed statement giving reasons why such temporary relief should be granted. The request for an informal conference or a formal public hearing will not stay enforcement of this Notice unless temporary relief is requested and granted.

16/04/2015 15:08



16/04/2015 15:08

