

**PUBLIC SERVICE COMMISSION**

Reclamation Division

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Memorandum

TO: Commissioners Fedorchak, Christmann and Kalk  
Illona Jeffcoat-Sacco and Jack Schuh  
Darrell Nitschke - Executive Secretary  
DKM RK

FROM: Dean Moos and Randy Kowalski

DATE: December 7, 2016

SUBJECT: Final Order for Case No. RC-16-547, NOV 1601 issued to Coyote Creek Mining Company, LLC

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Notice of Violation (NOV) 1601 was issued to Coyote Creek Mining Company, LLC (CCMC) on July 21, 2016 for sediment deposition on undisturbed, off-permit lands located down-gradient of several haul road drainage discharge points in violation of NDCC 38-14.1-24(8)(b), NDCC 38-14.1-24(15), NDAC 69-05.2-16-08(1)(a) and (d), and NDAC 69-05.2-24-01(2)(c) as well as plans in Section 3.2.1 of Permit NACC-1302.

On August 22, 2016, CCMC submitted a request that the NOV be vacated and that an informal conference be held in this matter. This action required the Commission to assess a proposed penalty and schedule an informal conference. The Commission proposed a civil penalty of \$2500 (\$0 for history, \$3000 for seriousness, \$0 for negligence, and \$500 deduction for good faith) on September 7, 2016 and scheduled an informal conference for November 3, 2016.

CCMC paid the proposed penalty of \$2500 on October 7, 2016 and withdrew its request for the informal conference on October 13, 2016. The NOV was terminated on November 30, 2016 since CCMC has completed the remedial measures specified in NOV 1601 within the prescribed time.

The Reclamation Division recommends the Commission adopt the attached final order that affirms the Notice of Violation and \$2500 penalty. The order also acknowledges that the informal conference scheduled for November 3, 2016 was canceled and closes the case.

A proposed motion for consideration at the December 14, 2016 Commission meeting is also attached.

Attachments

Minedata/CoyoteCreek/Violations/2016/NOV-2016/NOV-1601\_termination\_memo\_12-7-16

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Memorandum

Public Service Commission Staff

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