



Public Service Commission

State of North Dakota

COMMISSIONERS

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sent via certified mail

July 20, 2022

Doug Scheetz
Environmental Manager
BNI Coal, Ltd.
2360 35th Avenue SW
Center, ND 58530-9499
dscheetz@bnicoal.com

Dear Mr. Scheetz:

The Reclamation Division has reviewed BNI Coal, Ltd.'s letter dated June 16, 2022 in response to Notice of Violation (NOV) 2202 which was issued on May 25, 2022. In addition, the Reclamation Division received concurrence from BLM through OSMRE on June 24, 2022 which allows BNI Coal, Ltd. to remove overburden over federal coal where mine plan approval has not been issued by the U.S. Department of the Interior in the NE¼ of Section 20, T142N, R84W. The remedial actions outlined in NOV-2202 have been satisfactorily completed and the Reclamation Division has determined that the completed remedial actions are adequate to terminate NOV-2202. The termination notice is enclosed.

Termination of a notice of violation does not affect the Commission's right to assess civil penalties.

If you have any questions, please contact this office.

Sincerely,

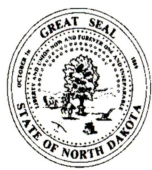
Zanna Brinkman
Director
Reclamation Division

Enclosure

cc via email only: BNI Regulatory & Compliance (BNIfiling@bnicoal.com)

Karene Hall (khall@bnicoal.com)
Jeff Fleischman (jfleischman@osmre.gov)
John Sieving (jsieving@osmre.gov)

Center Mine\Violations\2022\NOV-2202_termination_ntc_ltr-7-20-22



TERMINATION OR VACATION OF NOTICE OF VIOLATION

NORTH DAKOTA PUBLIC SERVICE COMMISSION

RECLAMATION DIVISION

SFN 10570 (10-93)

N.O.V. Number

2202

To the following Permittee or Operator:

Name of Permittee BNI Coal, Ltd.		Permit Number BNCR-9702	
Address 2360 35th Avenue SW	City Center	State ND	Zip Code 58530
Telephone Number 701-355-5550	Mine Center	County Oliver	
Name of Operator (if other than permittee) Same			
Address	City	State	Zip Code

Notice of Violation No. 2202 is hereby terminated vacated for the following reasons:

The required remedial actions have been completed.

Print Name of Person Served Doug Scheetz	Print Title of Person Served Environmental Manager
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail	Date of Service July 20, 2022
Signature of Person Served	Signature of Authorized Representative 