

# Dakota Westmoreland Corporation

Beulah Mine - P.O. Box 39 • Beulah, North Dakota 58523-0039

Phone: (701) 873-4333 • Fax: (701) 873-7784

RECEIVED

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July 1, 2008

30961  
PUBLIC SERVICE COMMISSION

Mr. James R. Deutsch  
Director, Reclamation Division  
Public Service Commission  
600 E Boulevard Ave., Dept 408  
Bismarck, ND 58505-0480

FROM DIRECTOR - RECLAMATION DIV.

Date: 7-22-08

Action: Mike

Info. Only: Dear

Info & File: \_\_\_\_\_

Dear Mr. Deutsch:

RE: Notice of Violation 0802  
Permit KRSB-8603

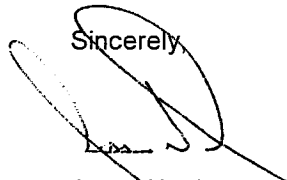
Even prior to receiving NOV 0802, sediment had been removed from the 13,993 square foot area and erosion control fabric (Curlex) had been put in place. Steps had already been taken to abate the erosion prior to receiving the notice of violation. A site review was conducted by Dean Moos and Mike Berg on June 30 and a plan for the remaining sediment removal was formulated.

Long-term steps for preventing sediment from flowing across undisturbed and reclaimed areas will include the construction of sumps and silt fences. The areas specifically mentioned in this NOV (aside from the wind blown area) originally used rip-rap to slow the flow and collect sediment before it flowed into undisturbed and reclaimed areas. This rip-rap eventually silted shut and the sediment overtopped the control structure. For this reason, sumps will be constructed with a secondary silt fence to capture flow. This control measure has been used in the past effectively and will continue to be used in the future.

Regarding the windblown area in the Silver pit, the reason material was deposited on virgin topsoil was because of the intensity of winds from March 2008 through early June 2008. On several occasions, average wind speeds topped 50 mph. This is clearly above average for this area and the sole cause for the saltation. Also, the soil stripping activities were lined up perpendicular to the wind direction (north wind, east-west stripping edge). The stripping was stopped due to inclement weather. Because this saltation event was a one-time occurrence based on extraordinary winds, the Beulah Mine will continue to monitor saltation of soil. As saltation develops, the Beulah Mine will berm to the edge of the subsoil to provide a small wind break.

Should you need additional information, please contact me at extension 229 or Jeff Frohlich at extension 208.

Sincerely,



Jesse Noel  
Manager,  
Engineering and Environmental

p/g

C: Randy Becker  
Jeff Frohlich  
Larry Schnaidt  
Gerry Schatz  
Dave Simpson  
Bill Weaver

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RC-08-389 Filed: 7/18/2008 Pages: 1  
Letter Filed that Addresses Remedial Actions Taken

Dakota Westmoreland Corporation

Jesse Noel

