



Public Service Commission

State of North Dakota

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July 30, 2008

Mr. Jesse Noel, P.E.
Manager, Engineering & Environment
Dakota Westmoreland Corporation
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Noel:

The Reclamation Division has reviewed Dakota Westmoreland's July 21st submittal and completed a field inspection, July 9, 2008, of the remedial actions required by Notice of Violation (NOV) 0802. Pursuant to your phone conversation with Mike Berg on July 25, 2008, it is our understanding that Dakota Westmoreland will revise its permits to state that in areas conducive to wind erosion, such as sandy or with no wind protection, a berm will be built immediately after the topsoil/subsoil has been removed to aid in the prevention of wind erosion and deposition. With this being stated, the Reclamation Division has deemed your response and remedial action for abatement, required by NOV-0802, adequate and complete. With the completion of remedial actions, NOV-0802 is terminated. The termination notice is enclosed.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure

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3 **RC-08-389** Filed: 7/30/2008 Pages: 2
Nov 0802 was Terminated by the PSC

Public Service Commission

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TERMINATION OR VACATION OF NOTICE OF VIOLATION
NORTH DAKOTA PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
SFN 10570 (10-93)

To the following Permittee or Operator:

		N.O.V. Number 0802	
Name of Permittee Dakota Westmoreland Corporation		Permit Number KRSB-8603	
Address PO Box 39	City Beulah	State ND	Zip Code 58523-0039
Telephone Number 701-873-4333	Mine Beulah Mine	County Mercer	
Name of Operator (if other than permittee)			
Address	City	State	Zip Code
Notice of Violation No. <u>0802</u> is hereby <input checked="" type="checkbox"/> terminated <input type="checkbox"/> vacated for the following reasons: The required remedial actions have been completed.			
Print Name of Person Served Jesse Noel		Print Title of Person Served Manager - Engineering & Environmental	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service July 30, 2008	
Signature of Person Served		Signature of Authorized Representative <i>Dean K. Moore</i>	

Distribution: Public Service Commission; Permittee - Operator; and, OSM Field Office