



Public Service Commission  
State of North Dakota

DKM

COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: www.nd.gov/psc  
E-mail: ndpsc@nd.gov  
TDD 800-366-6888 or 711  
Fax 701-328-2410  
Phone 701-328-2400

INSPECTION REPORT

DATE OF INSPECTION: January 27, 2009  
TYPE OF INSPECTION: Complete  
PERMITTEE - MINE: Dakota Westmoreland - Beulah Mine  
PERMITS INSPECTED: KRSB-8603, KRSB-8802  
PERSONS ACCOMPANYING INSPECTOR: Jeff Frohlich (Morning), Jesse Noel (Afternoon)  
INSPECTION CONDITIONS: The inspection was conducted between 9:30 a.m. and 3:00 p.m., CDT. Skies were mostly clear. The temperature ranged from 0-10° F. Access was limited due to drifted snow.



BLASTING

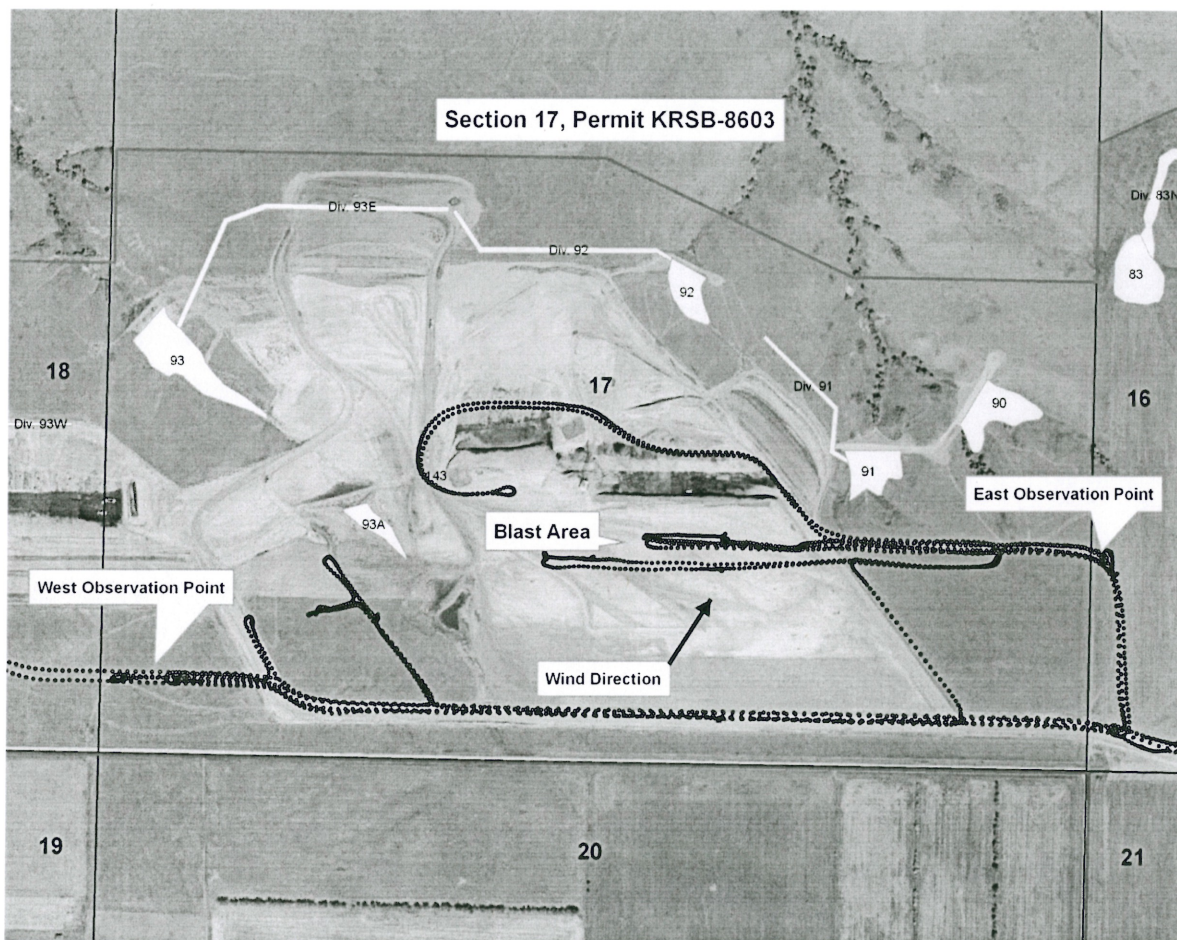
This inspection was coordinated with DWC to determine if the blast warning could be heard one half mile away as required by NDAC 69-05.2-17-05 (3). This was done in follow-up to a recently issued Notice of Violation (NOV) when the required warning was not heard prior to a coal blast. DWC has placed another (second) 110 decibel uni-directional siren on the blasters' truck so now the two sirens face opposite directions. A coal blast occurred in the Middle Silver Pit, SE¼ of Section 17, Permit KRSB-8603, at approximately 1:26 p.m., CDT during this inspection.

The wind was blowing 15-20 mph from the south/southwest at the time of the blast. The blast warning siren was faintly heard at a distance of approximately one half mile east/southeast of the blast truck. The blast truck was in the pit several hundred feet east of the coal blast and the siren was located on the blast truck. The all clear signal was not heard approximately one half mile west/southwest of the blast truck. The blast truck was radioed and the all clear signal was sounded a second time. The siren was not heard while located approximately one half mile west/southwest of the blast truck. Figure 1 shows the locations of the blast and where this inspector was located during the blast.

Radio communications took place prior to the blast and the scraper operators, 480 dragline operator and all other equipment operations ceased prior to the blast. Coal was being loaded from the pit in the area of the blast and the shovel ceased operations and the coal truck was loaded and departed prior to the blast. Mr. DeLane Bauer, DWC, was stationed south of the pit where the blast was to occur and he watched the area to ensure no one came near (restricted access) the location of the blast

prior to blasting. Mining operations resumed after the all clear signal was given. After the blast, the blasting truck was stopped and he was asked to sound the sirens so that the sirens could be heard up close. One of the blasters said that the siren was tested a few days or weeks ago and it produced 105 decibels in front and 98 decibels behind the blast truck.

Figure 1:



OFFICE RECORDS

Mining permits, permit revisions and other records were on file and available for review. The office records listed below were briefly reviewed.

Records	Comments
Permits and Permit Revisions	Copies on file
Certificate of Liability Insurance	Expires 7/1/2009
Annual Surface Water Monitoring Report	2007 Annual Report on file, 2008 report in process of being prepared and will be included with the 4 <sup>th</sup> quarter NDPDES Discharge Monitoring Report
Annual Ground Water Monitoring Report	2007 Annual Report on file

Records	Comments
NDPDES Discharge Monitoring Report	3 <sup>rd</sup> quarter 2008 on file, 4 <sup>th</sup> quarter in process of being submitted with Annual Report
NDPDES Permit No. ND-0023736	Expires 6/30/2012
Storm Water Discharge Permit, NDR32-0011	Expires 6/30/2009
Annual Pond Inspection Report	Interstate Engineering report dated 11/19/08
Quarterly Pond Inspection Report	4 <sup>th</sup> quarter 2008 report on file, Interstate Eng. inspected ponds on October 27 <sup>th</sup> and 28 <sup>th</sup> . Ponds 8 and 14 listed as being full of sediment.*
Pond Certifications	Pond 91 certified on 9/19/2008
MSHA Pond Inspections (Ponds 30 & 52)	1/8/2009 inspection report filed
Haul Road Certifications	Silver Pit haulroad area certified 12/3/2007
County Conditional Use Permits	Permits from Oliver and Mercer Counties on file
Air Pollution Control Permit No. 08011	Expires 5/22/2011
Blasting Notice Affidavit of Publication	Published on 4/25/2008
Blasting Records	On file, last recorded blast on 1/26/2009 by Casey O'Neil in the Silver Pit.
Blasting Certificates	Certified blaster certificates on file
BATF Explosive Manufacturing License	No. 3 ND-057-20-)J-00013 posted near mine office entrance door
Wildlife Monitoring Report	2006-2007 report on file
Coal Exploration Permit, ND State Industrial Commission	Permit No. MER 59-08-477, 6/2/08 – 5/30/2009

\*Mr. Frohlich said that even though Ponds 8 and 14 were listed as being full of sediment, the sediment is below permanent pool elevation.

#### SIGNS & MARKERS

Permit boundary signs and markers were noted in place at mine entrance points. Snow limited access to the sediment ponds and SPGM stockpiles so few were inspected. The fence west of the county road located near the northwest corner of Section 22, T143N, R88W, was down and a trail had been bladed (snow) allowing access to Permit KRSB-8603. The public could conceivably drive into the permit area at this location and the South Red Pit highwall is not far from this location. A permit boundary sign was noted in place a hundred and fifty feet to the north where the county road turns to the south. Mr. Noel was not sure why the permit had been accessed at this location and was going to follow up to ensure public safety.

#### OVERBURDEN/COAL REMOVAL

The 480 dragline was operating at the west end of the Middle Silver Pit and the 1570 dragline was operating in the SW<sup>1</sup>/<sub>4</sub> of Section 19 in the Charlie Pit. Scrapers were removing overburden from the East Silver Pit initial boxcut and hauling the material to the north side of the Middle Silver Pit area. A truck/shovel fleet was prebenching the South Red Pit and hauling the material around the south side of the pit to the west side. Coal was being hauled from the Middle Silver Pit from near the center of the S<sup>1</sup>/<sub>2</sub> of Section 17 and from the South Red Pit both located in Permit KRSB-8603; and, from the Charlie Pit in the S<sup>1</sup>/<sub>2</sub> of Section 19 in Permit KRSB-8802.

### SURFACE WATER MANAGEMENT

There has been no runoff the past 2 months and Mr. Frohlich said that no pit water was being transported. No water was reportedly being discharged at the time of this inspection. Snow drifts prevented access to the sediment ponds and therefore, most were not inspected.

Pond 1 was noted holding water to the level of a wooden stake which was thought to be the Permanent Pool Elevation (PPE). The leaking valve in the riser was repaired last fall so the area where the PPE marker used to be was disturbed. An access trail was bladed on the northeast corner of the pond to access the riser. With the accumulation of snow it was not clear if the pool area of the pond had been affected. A build up of ice from springs and seeps was not noted in the secondary drainage leading east of the pool area of this pond. During previous winters, ice usually built up in this drainage, but may just be hidden under snow drifts. Pond 30 was nearly dry. The 4<sup>th</sup> quarter inspection report indicated that this pond was 25 feet below spill elevation. A channel could be seen in the pool area of Pond 14, but the PPE marker was not noticed.

### ROADS

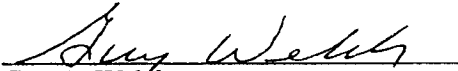
Snow along portions of the haulroads has been bladed into the ditch or in some instances beyond the ditch to enable vehicular travel. It appears that snow has been mechanically blown off of the road along the primary haulroad in Permit KRSB-8802. This is evident based upon the color of the snow which obviously has some road surfacing material. It is also evident that dust has blown from the haulroads and deposition has occurred downwind from the haulroads. Water on the haulroads this time of the year turns to ice. Mr. Noel said dust suppression on the haulroads will commence when temperatures rise above freezing.

### WILDLIFE

Pheasants, sharp-tailed grouse and deer were seen during the inspection. A feeder was noted near the trees west of sediment Pond 14. Numerous pheasants were seen in this area and it appeared that the feeder was empty.

### GENERAL

The permit is covered with 2 to 3 feet of snow. There was no evidence of any wind erosion having occurred. The GPS track log and photographs taken are on file with the Reclamation Division.

  
\_\_\_\_\_  
Guy A. Welch  
Environmental Scientist

cc: Jesse Noel  
Randy Becker  
OSM Casper Field Office  
Mercer County Auditor  
Oliver County Auditor