



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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March 6, 2009

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

Dear Mr. Noel:

Enclosed is the Termination Notice for NOV-0804. Inspectors observed the use of a portable siren located outside of the pit in conjunction with sirens located on the blasting truck in the pit on March 5, 2009. The sirens were heard by the inspectors at one-half mile from the blast site. Therefore, we are terminating the NOV as the required remedial actions have been completed. It is our understanding that DWC will continue to use the same methodology in the future to ensure that the required pre-blast and all clear warning are heard within one-half mile of the blast site for all blasts.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch  
Director  
Reclamation Division

m/Beulah/violations/2008/0804/termination\_itr\_3-6-09



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

<b>To the following Permittee or Operator:</b>		N.O.V. Number 0804	
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	County Mercer	
Name of Operator (if other than permittee)			
Address		City	State      Zip Code
Notice of Violation No. <u>804</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 March 6, 2009	
Signature of Person Served		Signature of Authorized Representative <i>Don K. Moore</i>	

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