



Public Service Commission
State of North Dakota

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June 10, 2009

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

Dear Mr. Noel:

The Reclamation Division has reviewed Dakota Westmoreland's May 19, 2009 submittal in response to the remedial action and time for abatement specified in Notice of Violation (NOV) 0902. The Reclamation Division deems your response adequate for the abatement required by NOV-0902. With completion of the remedial actions as verified by inspections on May 27 and June 3, 2009, we are now terminating NOV-0902. The termination notice is enclosed.

DWC paid the proposed penalty on May 28, 2009, and withdrew the request for an informal conference on NOV-0902. We will now prepare a final order for Commission action to affirm the violation and penalty, cancel the informal conference, and close PSC Case No. RC-09-176.

If you have any questions, please contact this office.

Sincerely,

James R. Deutsch
Director
Reclamation Division

Enclosure

m/Beulah/violations/2009/NOV 0902/termination_ltr_6-10-09



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 0902	
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>0902</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 June 10, 2009	
Signature of Person Served		Signature of Authorized Representative <i>[Handwritten Signature]</i>	

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