



June 19, 2014

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

Dear Mr. Deutsch:

Subject: Notice of Violation 1401 – Water Management Issues  
 Permit KRSB-8603

Pursuant to NOV #1401, the following remedial actions and preventative measures have been put in-place.

Friday, May 30:

- Installed 12" diameter culvert under reconstructed county road between the SE¼, Section 18 and the NE¼, Section 19.
- Constructed a ditch block at west end of culvert inflow to divert runoff into culvert.

Monday, June 2:

- Replaced straw-bale dike with new silt fence in the north ditch of reconstructed county road at west disturbance boundary.
- Repaired/reconstructed the damaged temporary diversion located in the SE¼, Section 16.
- Re-excavated and enlarged the sump located northeast of the 480 dragline.

Tuesday, June 3:

- Hauled in topsoil on the reclaimed drainage below the 480 dragline sump

Wednesday, June 4:

- Replaced straw-bale dike with two silt fences (double reinforced with construction wire and two 3' steel post spacing) immediately below the enlarged sump.

Thursday, June 5:

- Broadcasted hayland seed mix and harrowed.
- Placed erosion control blankets over newly respread topsoil.

The reconstructed ditch block also allows access to the stockpiles in Section 18. This eliminates the room or need for a sump in front of the silt fence.

BMP's were in-place prior to the rain event on May 28. The straw bale dikes at both locations were inspected on numerous occasions prior to the rain event. No indications were made that existing BMP's (straw-bale dikes) were unacceptable. As indicated via an email to Guy Welch on May 29, the failure of the berm north of the 480 is the reason for the straw-bale dike and the sump failure. This berm has been a part of our water management and has functioned properly for years.

The photos enclosed with this correspondence are the same as provided to your office via email on June 10, 2014. If you need further information, please feel free to call.

Sincerely,

Jeff P. Frohlich  
 Manager, Engineering and Environmental

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Letter received stating that all remedial measures have been completed  
 Dakota Westmoreland Corporation  
 Jeff Frohlich









