



# Dakota Westmoreland Corporation - *Beulah Mine*

A Subsidiary of WESTMORELAND COAL COMPANY

September 06, 2017

Mr. Dean K. Moos  
Director, Reclamation Division  
Public Service Commission  
State Capitol, 13<sup>th</sup> Floor  
Bismarck ND 58505

Dear Mr. Moos:

This letter is in response to the PSC's June 28, 2017 electronic mail and August 22, 2017 letter with regards to NOV-1701. As requested, DWC is providing design plans of the haul road drainage and runoff control along with the following narrative for the Pond 85 area:

The south side surface water flow from the haulroad west of Pond 85 flows directly into Pond 85. The north side surface water flow from the haulroad west of Pond 85 flows down into the back-flow inlet on the north of the embankment and gets discharged back to the pond.

The north side surface water flow from the haulroad east of Pond 85 flows into a BMP(ump) which DWC uses as a water source for road dust control and the overflow from it goes to the back-flow inlet. The south side surface water flow from the haulroad east of Pond 85 flows through Culvert 117 into the pond. The haulroad is crowned splitting the flow to the roadside ditch so that surface water flows is directed according to the water management plan. Adequate berms are established along the north side of the embankment to control any potential water flow over the berms. The south stretch of haulroad leading to the east of Culvert 117 also has a reinforced berm to ensure that surface water flow goes into the culvert. Both sides of the embankment have vegetation established to control erosion.

If you have questions, please contact me at extension 3931.

Sincerely,

John Wang  
Mining Engineer

Enclosures

c: Jody Mann  
Jesse Noel  
Jon Reinhardt

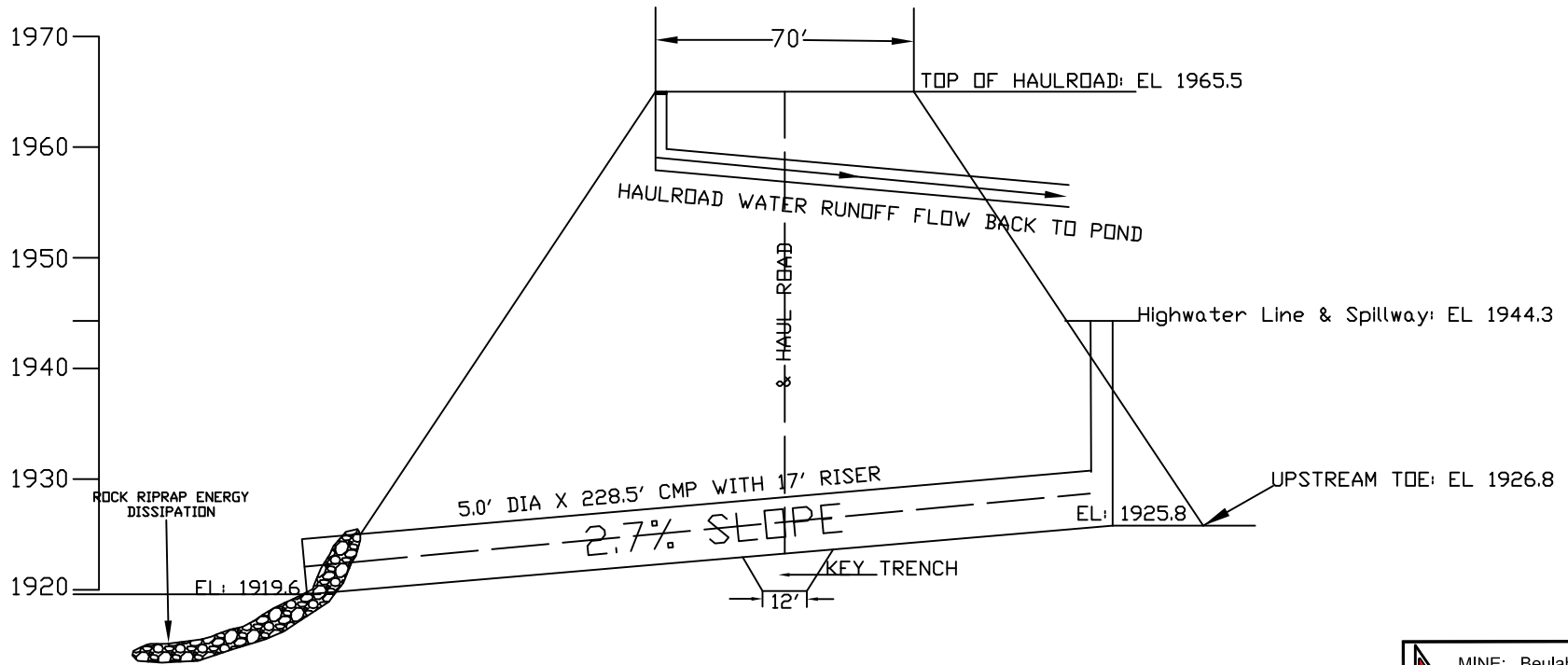
5 RC-17-172 Filed 09/06/2017 Pages: 7


Letter submitted by the mining company on the NOV abatement actions  
Dakota Westmoreland Corporation  
John Wang

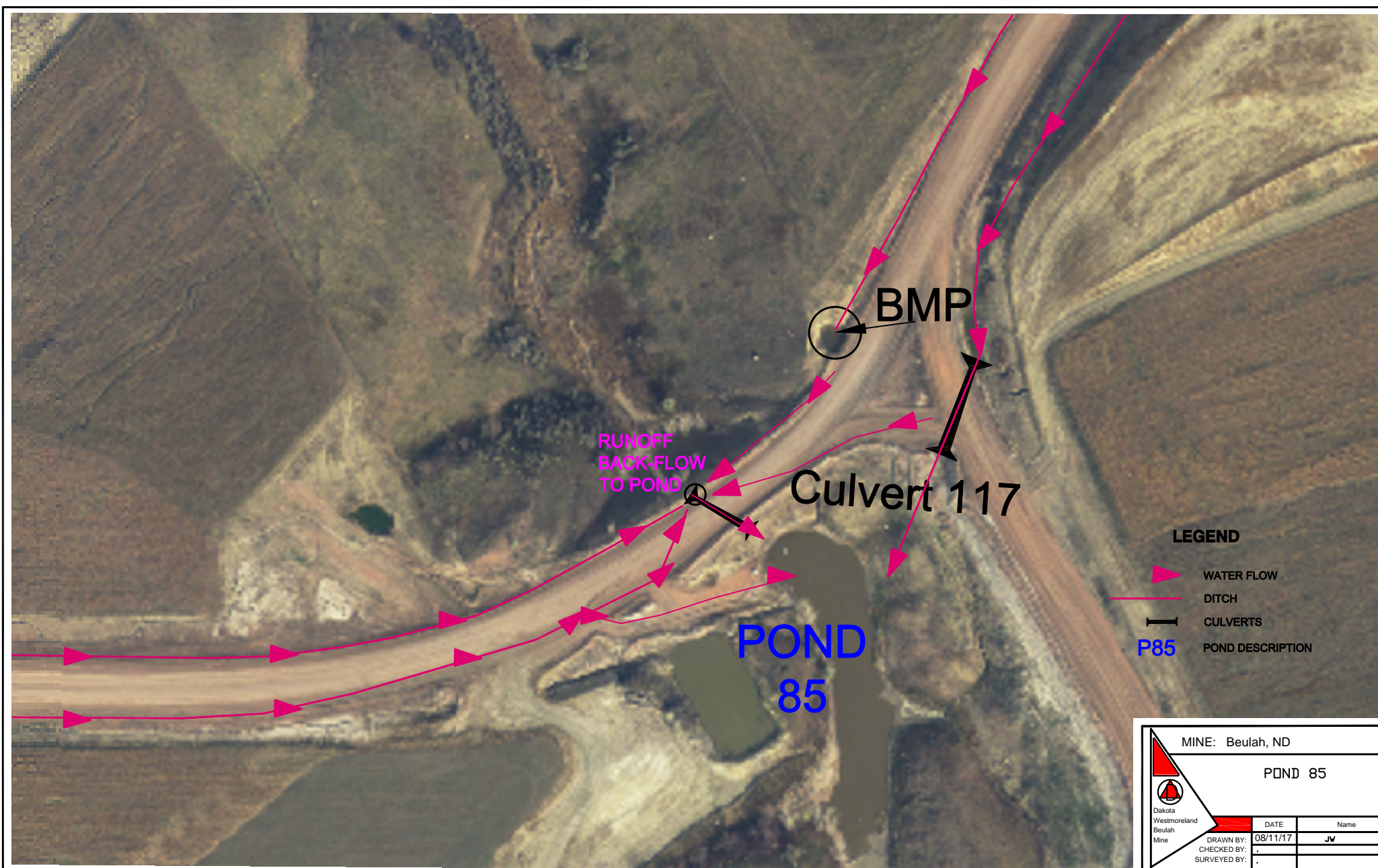


## POND 85 CROSS SECTION





SCALE : 1 VERTICAL : 3 HORIZONTAL




MINE: Beulah, ND											
<b>POND 85 CROSS SECTION</b>											
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DATE	Name										
08/11/17	JW										
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**LEGEND**

-  WATER FLOW
-  DITCH
-  CULVERTS
- P85**  POND DESCRIPTION

MINE: Beulah, ND		
POND 85		
 Dakota Westmoreland Beulah Mine	DATE	Name
	DRAWN BY: 08/11/17	JW
	CHECKED BY: .	
	SURVEYED BY: .	



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

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August 22, 2017

Jesse Noel, P.E.  
Regional Engineering Manager  
Westmoreland Coal Company  
PO Box 39  
Beulah, ND 58523-0039

Dear Mr. Noel:

This letter is in follow-up to the Reclamation Division's June 28, 2017 and July 11, 2017 electronic mail communications regarding the completeness review of Dakota Westmoreland Corporation's (DWC) application for Revision No. 31 to Permit KR5B-8603 at the Beulah Mine. DWC's June 12, 2017 responses to our May 19, 2017 second completeness review letter for the revision application adequately addressed the remaining completeness review items. The application was deemed complete in our June 28, 2017 electronic mail communication and DWC was granted approval to begin newspaper notice publication once a week for four consecutive weeks in the Beulah Beacon and the Bismarck Tribune to satisfy the newspaper notice requirements of NDCC 38-14.1-18(1). We also reminded DWC to ensure that the complete revision application is available for public inspection at the Mercer County Courthouse by the first date of notice publication as required by NDAC 69-05.2-10-01(4). DWC's subsequent technical review changes to the revision application must also be made available for public inspection at the Mercer County Courthouse coincident with changes submitted to the commission.

While checking the newspaper notice publications to determine the comment period closure date for the Revision No. 31 application it became apparent that DWC had inadvertently published the deficient Notice of Application on pages 89-92 of Section 1.4 submitted with the February 22, 2017 application instead of the approved Notice of Application on pages 70-71 of Section 1.4 submitted with the June 29, 2017 complete approved application. Our July 11, 2017 electronic mail communication informed DWC that the deficient Notice of Application had been inadvertently published in the Beulah Beacon and the Bismarck Tribune for the weeks of July 3<sup>rd</sup> and July 10<sup>th</sup> and that publication must be restarted with the approved Notice of Application published once a week for four consecutive weeks in the Beulah Beacon and the Bismarck Tribune. The approved Notice of Application was reportedly published in the Bismarck Tribune on July 18<sup>th</sup>, July 25<sup>th</sup>, August 1<sup>st</sup>, and August 8<sup>th</sup>, and in the Beulah Beacon on July 20<sup>th</sup>, July 27<sup>th</sup>, August 3<sup>rd</sup>, and August 10<sup>th</sup>. Please submit the affidavits of publication as required by NDCC 38-14.1-18(1). The public comment period for the Revision No. 31 application will end September 11, 2017.

Please recall that our June 28, 2017 electronic mail communication also requested that DWC address the remaining required remedial actions for NOV-1701 (copy enclosed). As we discussed during our July 26, 2017 meeting, DWC must provide narrative and design plans of the haul road drainage and runoff control

Jesse Noel, P.E.  
August 22, 2017  
Page 2 of 2

for this area as specified in remedial action plan of NOV-1701. This should include plan and cross-section views of the surface drain inlet and culvert that conveys runoff from the haulroad surface to Pond 85. As we discussed, these drawings do not need to be to scale. The plan drawing provided by John Wang on August 11, 2017 partially satisfies this requirement; however, this drawing appears to indicate that overflow from the BMP (sump) will flow to the surface drain inlet for Pond 85. It seems more likely that this sump will flow to the natural drainage to the northwest rather than to the haulroad. Please review and, if necessary, make the appropriate corrections. Please also provide narrative that describes the drainage system in this area including a brief description of the surface drain inlet and culvert to Pond 85, the haul road grading and berm construction that is necessary to direct haul road runoff to the surface drain inlet, and erosion control for this drainage/haul road system. This same information must also be included in the Haulroads subsection of Section 3.1 (General Mining Plan) of Permit KRSB-8603 with pending Revision 31. In summary, additional information must be provided in order for our office to terminate NOV-1701 and this same information must be incorporated into pending Revision 31 of Permit KRSB-8603.

Please contact us if you have any questions.

Sincerely,



Dean K. Moos  
Director  
Reclamation Division

Enclosure

cc: Jody Mann w/enclosure  
Mercer County Auditor w/o enclosure

Minedata/Beulah/Permits/KRSB-8603/Revisions/No.31/Rev31\_complete\_AL\_8-22-17



**NOTICE OF VIOLATION**  
**NORTH DAKOTA PUBLIC SERVICE COMMISSION**  
 SFN 18099 (10-91)

Name of Permittee Dakota Westmoreland Corporation		N.O.V. Number 1701	
Address PO Box 39		City Beulah	Permit Number KRSB-8603
Telephone Number 701-873-4333	Mine Beulah Mine	State ND	Zip Code 58523-0039
Name of Operator (if other than permittee) Same			
Address		City	State Zip Code
Date of Inspection March 22, 2017		Time of Inspection From: 9:20	To: 2:45
		<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.

Under the authority of North Dakota Century Code Chapter 38-14.1, the undersigned authorized representative of the Commission has conducted an inspection of the above mine on the above date and has found a violation of the statute, rules, permit condition(s), or section(s) of the approved operations and reclamation plan listed on page 2 of this Notice of Violation.

You must abate this violation within the designated abatement time.

The undersigned authorized representative finds that cessation of surface mining activities  is  is not expressly or implicitly required by this Notice of Violation.

This Notice of Violation shall remain in effect until it expires as provided on the reverse side of this page, or is terminated or vacated by written notice by an authorized representative of the Commission.

Print Name of Person Served Jody Mann	Print Title of Person Served President and General Manager
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail	Date of Service April 3, 2017
Signature of Person Served	Signature of Authorized Representative <i>Bill Cunningham</i>

<b>Nature of Violation</b>
Uncontrolled runoff from a haul road segment caused an erosional gully to develop in adjacent undisturbed land and resulted in siltation of an intermittent stream.
(if applicable, include the extent to which the violation cannot be corrected)

**IMPORTANT - PLEASE READ THE REVERSE OF THIS PAGE**

Provision(s) of the Statute, Rules, or Permit Violated
NDCC 38-14.1-24(15): Failure to control erosion from a haul road.
NDAC 69-05.2-24-01(2)(a): Failure to maintain haul road to control or prevent erosion and siltation.
NDAC 69-05.2-24-01(5): Failure to maintain road to meet the performance standards of Chapter 69-05.2-24.

Portion of the Operation to which this Notice Applies (Include legal description)
The haul road segment in the S½SW¼ of Section 15, Township 143 North, Range 88 West of Mercer County, North Dakota in Permit KRSB-8603.

Remedial Action Required (including interim steps, if any)
Repair or reconstruct the haul road drainage system to control and convey haul road runoff to Pond 85.
Repair and stabilize the erosional gully on the north side of the haul road.
Add haul road runoff control narrative and design plans to Permit KRSB-8603 with Revision No. 31.

Time for Abatement (including interim steps, if any)
Repair or reconstruct the haul road drainage system to control and convey haul road runoff to Pond 85 within fifteen (15) days of the receipt of this notice.
Repair and stabilize the erosional gully on the north side of the haul road within sixty (60) days of the receipt of this notice.
Add haul road runoff control narrative and design plans to Permit KRSB-8603 with Revision No. 31 within ninety (90) days of the receipt of this notice.