



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

				N.O.V. Number 1801	
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) Same					
Address		City		State	Zip Code
Date of Inspection June 29, 2018		Time of Inspection From: 11:45		<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	To: 2:00 <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 Jeff Provenza		Print Title of Person Served Interim President and General Manager	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service July 3, 2018	
Signature of Person Served		Signature of Authorized Representative 	

Nature of Violation

Conducting surface coal mining operations within 100 feet of a cemetery. Topsoil had been removed from an area within 100 feet of the Emmaus Cemetery.

(if applicable, include the extent to which the violation cannot be corrected)

IMPORTANT - PLEASE READ THE REVERSE OF THIS PAGE

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Provision(s) of the Statute, Rules, or Permit Violated

NDCC 38-14.1-07(5). Surface coal mining operations are prohibited within one hundred feet [30.48 meters] of a cemetery. Section 1.6 and Section 3.1 (Subsection F) of Permit KRSB-8603 states disturbance will be kept at least 100 feet away from the cemetery located in the NE1/4 of Section 29.

Portion of the Operation to which this Notice Applies (Include legal description)

The SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 143 North, Range 88 West of Mercer County, North Dakota in Permit KRSB-8603.

Remedial Action Required (including interim steps, if any)

Respread topsoil and seed to the approved post mine land use seed mixture on the affected area within 100 feet of the cemetery. Fence, sign or clearly mark the 100 foot buffer zone on the north side of Emmaus Cemetery.

Time for Abatement (including interim steps, if any)

Respread and seed the affected area and sign or clearly mark the 100 foot buffer zone on the north side of the cemetery within fifteen (15) days of the receipt of this notice.

IMPORTANT - PLEASE READ CAREFULLY

1. **MINESITE HEARING.** A Notice of Violation which requires cessation of surface mining activities, expressly or by necessary implication, shall expire within thirty (30) days after it is served unless an informal public minesite hearing has been held at or near the minesite within that time or the hearing has been waived. On the reverse of this page, an authorized representative has made a finding as to whether this Notice requires cessation of surface mining activities. If cessation of mining is required, an informal public minesite hearing will be automatically scheduled by the North Dakota Public Service Commission and will be held within thirty (30) days of the service of this Notice, unless you or your agent waive that hearing in writing.
2. **INFORMAL CONFERENCE.** Notwithstanding the informal minesite hearing provided for in paragraph 1, you must apply for an informal conference with the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice in order to preserve your appeal rights. You may apply for an informal conference by submitting a written request for an informal conference to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. The informal conference will be held in the locality of the mine if requested. A stenographic record will be made of the informal conference unless waived by all parties.
3. **FORMAL PUBLIC HEARING.** If you do not desire an informal conference, you may apply for a formal hearing regarding this Notice by submitting a written request for a hearing to the North Dakota Public Service Commission within thirty (30) days of issuance of this Notice to you or your agent. If you do not request an informal conference or a formal public hearing within thirty (30) days, your right to appeal will be forfeited. Please note that you will also have the opportunity to request a formal hearing within thirty (30) days of the decision on the informal conference held under paragraph 2.
4. **TEMPORARY RELIEF.** You have the right to request temporary relief from this Notice pending completion of any investigation and hearing procedures being conducted. A request for temporary relief must be in writing as set forth in subsection 4 of North Dakota Century Code Section 38-14.1-30 and filed with the North Dakota Public Service Commission. The request for temporary relief must include a detailed statement giving reasons why such temporary relief should be granted. The request for an informal conference or a formal public hearing will not stay enforcement of this Notice unless temporary relief is requested and granted.