



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

		N.O.V. Number 2101	
Name of Permittee Westmoreland Beulah Mining LLC		Permit Number KRSB-8603	
Address P.O. Box 39	City Beulah	State ND	Zip Code 58523
Telephone Number 701-873-3901	Mine Beulah Mine	County Mercer	
Name of Operator (if other than permittee) Same			
Address	City	State	Zip Code
Date of Inspection July 27, 2021	Time of Inspection From: 8:00	<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	To: 11:00 <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
<p>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.</p> <p>You must abate this violation within the designated abatement time.</p> <p>The undersigned authorized representative finds that cessation of surface mining activities <input type="checkbox"/> is <input checked="" type="checkbox"/> is not expressly or implicitly required by this Notice of Violation.</p> <p>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.</p>			
Print Name of Person Served Scott Aberle		Print Title of Person Served General Mine Manager	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service August 18, 2021	
Signature of Person Served		Signature of Authorized Representative <i>Guy Welch</i>	

<b>Nature of Violation</b>
Westmoreland Beulah Mining (WBM) failed to protect areas of respread and revegetated suitable plant growth material (SPGM) from deposition of sediment and contamination by water transported spoil.
Best Management Practices (BMP's) upstream of reclaimed and revegetated areas were either not installed or not maintained and did not protect reclaimed areas.
(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(4): Failure to protect reclaimed areas to effectively prevent sediment deposition.
NDAC 69-05.2-16-01(1): Failure to install and maintain sediment control measures.
NDAC 69-05.2-24-01(2)(a): Failure to control or prevent erosion from dragline walkway corridor.
NDAC 69-05.2-16-08: Failure to install and maintain sediment control measures.
Permit KRSB-8603: Failure to install and maintain sediment control measures as stated in Section 3.1.

Portion of the Operation to which this Notice Applies (include legal description)
Permit KRSB-8603, S1/2NW1/4 of Section 21, T143N, R88W, Mercer County, ND as detailed in the Reclamation Division's July 27, 2021 inspection report.

Remedial Action Required (including interim steps, if any)
Immediate Steps: Remove sediment greater than 1 inch deep from affected reclaimed areas while minimizing disturbance to the respread topsoil and adjacent areas. Remove sediment from the dragline walkway ditches. Install sumps in dragline walkway ditch adjacent areas where runoff flowed onto reclaimed land and install silt fence between sumps and reclaimed land. Construct a berm along the north side of dragline walkway to direct runoff to Pond 87.
Long Term Plan: Check the depth of topsoil in areas where sediment was removed and replace if less than the required depth and re-seed respread topsoil.

Time for Abatement (including interim steps, if any)
1. The immediate steps specified in the Remedial Action Required Section of this NOV must be completed with seven (7) days of the receipt of this notice, or as soon as weather and site conditions allow.
2. The long-term remedial measure must be completed prior to October 31, 2021.

**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.