



December 14, 2023

Jonathan Emmer
Director Reclamation & AML Divisions
North Dakota Public Service Commission
600 E Boulevard Ave, Dept. 408
Bismarck, ND 58505-0480

Dear Mr. Emmer:

The following is in response to the Notice of Violation Number 2301 issued December 11, 2023 (NOV).

The following steps have been completed and are proposed to address the Remedial Action Required listed in the NOV:

1. WBM has removed topsoil from the reclaimed drainageway to prevent further loss of SPGM. The topsoil has been placed on the sides of the drainageway and mulched to minimize any loss of the material. Silt fencing and straw bales remain in place in the drainageway.
2. WBM has developed and respectfully submits the following plan to the Reclamation Division for review to respread the drainageway that will not result in a loss of SPGM and to stabilize the drainageway to prevent erosion. WBM proposes to install a French drain system between the spoil and subsoil utilizing weeping tile pipe. The French drain system will extend from the spring located upstream of the reclaimed drainageway and extend to Pond 112. The weeping tile pipe is a porous, 4-inch diameter plastic pipe typically used to drain water underground. (See Figure 1) Figure 2 depicts a cross-sectional view of the proposed French drain system after spreading with SPGM. Construction of the proposed French drain system will be completed in the following manner:
 - a. Remove the subsoil from the reclaimed drainageway and place on a stable area on the East side of the drainageway.
 - b. Excavate a trench approximately 12" wide by 12" deep in the regraded spoils extending from the spring down the drainageway to Pond 112. The total length of the trench will be approximately 900 feet. The final dimensions of the trench will be dependent on the equipment used for excavation.
 - c. Place a sufficient layer of gravel fill in the bottom of the trench.
 - d. Install the 4-inch weeping tile pipe in the trench and cover the pipe with additional gravel.
 - e. Construct a temporary equipment crossing to protect the French drain system during the movement of equipment. (See Figures 3 & 4). Once this equipment crossing is no longer required, the temporary fill and temporary protective pipe will be removed, and reclamation of this section will be completed.
 - f. A small area at the upstream end of the French drain system will be left open (no sub-soil or top-soil) to direct water into the French drain system. Once vegetation in the drainage has been established, the upstream end of the weeping tile pipe will be capped and reclamation of that area will be completed.

3. In order to begin excavation of the trench before the ground becomes frozen, WBM is requesting an expedited review and approval of this action plan.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jesse Noel', written in a cursive style.

Jesse Noel, P.E.
Director, Environmental & Regulatory Affairs
Westmoreland Mining LLC

Cc: Juris Ore, Nettie Ore



Figure 1. Example Photo of Weeping Tile Pipe

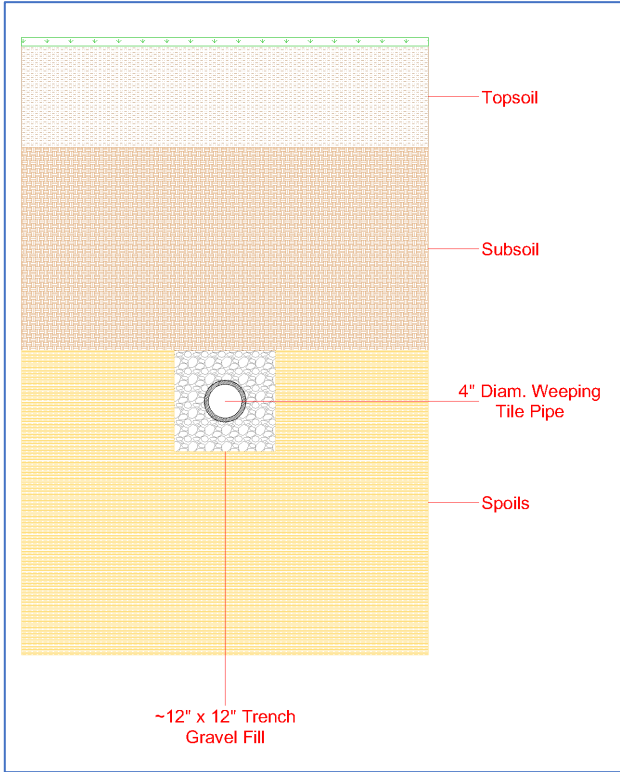


Figure 2. Cross-Section of French Drain System

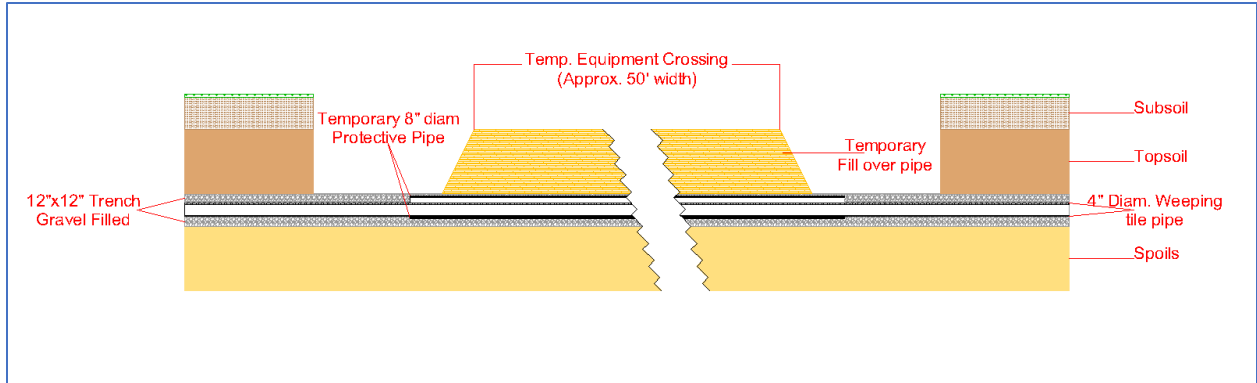


Figure 3. Temporary Equipment Crossing

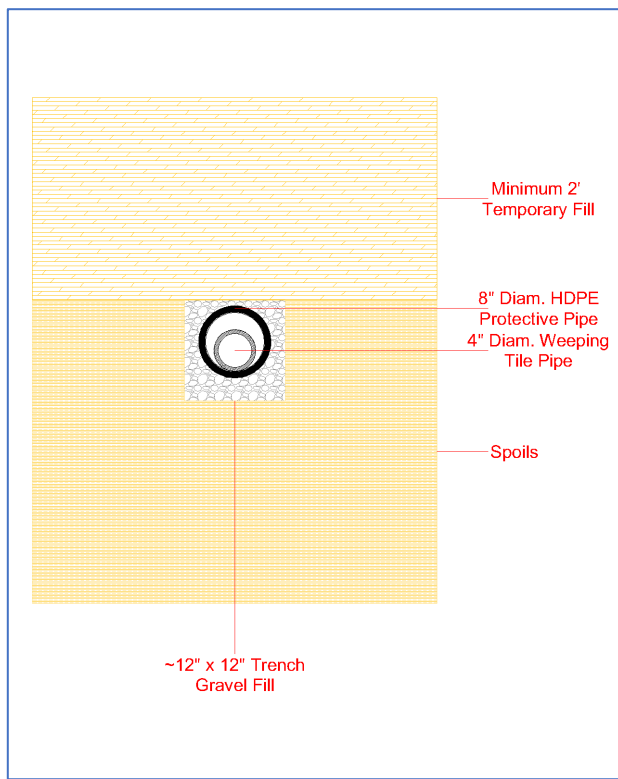


Figure 4. Temporary Equipment Crossing