



Public Service Commission State of North Dakota

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PSC-02

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INSPECTION REPORT

DATE OF INSPECTION: November 9, 2023
TYPE OF INSPECTION: Partial
PERMITTEE - MINE: Westmoreland Beulah Mine (WBM) - Beulah Mine
PERMITS INSPECTED: KRSB-8603; KRSB-8802
PERSONS ACCOMPANYING INSPECTORS: None
INSPECTION CONDITIONS: The inspection was conducted between 10:00 a.m. and 12:00 p.m. CST. Skies were cloudy, and the temperature was near 31° F.

SIGNS & MARKERS

Mine entrance signs containing the appropriate MSHA identification, permit number, operator, and contact information required by NDAC 69-05.2-13-04 were observed at entrances to the mine. Permit boundary markers were observed throughout the mine along the inspection route.

OVERBURDEN/COAL REMOVAL

No overburden or coal removal operations were occurring.

SURFACE WATER MANAGEMENT

Significant erosion of SPGM was discovered along the reconstructed drainageway within grade approval Gold-01-2022 in Section 22 of Permit KRSB-8603, which was approved on June 30, 2023. At the time of the inspection, the grade approval area had been respread with topsoil and subsoil. The grade approval area had not been mulched, but bales of hay were located adjacent to the respread area on graded spoil. Several fiber rolls had been placed perpendicular to the drainageway within the respread area, but surface water runoff was passing below them through erosional features (**Figures 1 and 3**). In addition, a significant head cut has developed near the eastern edge of the grade approval adjacent to graded spoil (**Figure 2**).

Erosional features were present along the entire length of the reconstructed drainageway (approximately 150 feet in length and three to six inches deep) above the head cut. The head cut was approximately three feet deep and the erosional feature below the head cut continued for approximately ten feet downstream of the head cut to the edge of the grade approval area. **Figures 4 and 5** depict the erosional features immediately above and below the head cut. The surface water runoff from this area is controlled by sediment pond P112.

Additional information regarding the events that led up to the erosion of this area was requested from WBM. According to WBM, the Gold-01-2022 grade approval was respread with subsoil in July 2023 and topsoil was respread from October 19th to October 23rd, 2023. They indicated that no water was passing through drainageway while they were resspreading SPGM in the grade approval. They also stated that the mine received approximately 13 inches of snow, which had a snow-water equivalent of 1.33 inches, from October 26th to October 27th and 0.5 inches of rain was received on November 6th. NDAC 69-05.2-15-04(5) requires appropriate measures to be taken to protect areas from water erosion and NDAC 69-05.2-22-05 requires that mulching or other stabilizing practices be used on all regraded and topsoiled areas to control erosion. WBM failed to properly stabilize the respread area to protect it from erosion.

BACKFILLING & GRADING

No backfilling and grading operations were occurring.

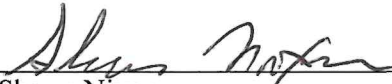
SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

No SPGM removal or respread operations were occurring.

GENERAL

After arriving at the mine office, it was discovered that mining staff were not on site due to the Veteran's Day holiday on Saturday, November 11. Although N.D.C.C. 38-14.1-27(1)(d)(1) provides Reclamation Division staff the right to access permitted areas, the haul road conditions were not suitable for travel. Permit KRSB-8802 was briefly inspected from county roads and the Gold Pit area in Permit KRSB-8603 was accessed from the section line between Sections 21 and 22.

A GPS tracklog of the route traveled during the inspection and photographs are on file with the Reclamation Division. **Figure 6** depicts the inspection route of grade approval Gold-01-2022 in Section 22 of Permit KRSB-8603.



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FIGURES:

Figure 1 – Upstream end of reconstructed drainageway within grade approved area Gold-01-2022 — (looking southwest) in Permit KRSB-8603.



Figure 2 – A head cut and plunge pool that has formed on the east edge of grade approval Gold-01-2022 in Permit KRSB-8603.



Figure 3 – Erosional features and the poorly shaped drainageway within grade approval Gold-01-2022 in Permit KRSB-8603 — (above the head cut; looking southwest).



Figure 4 – Erosional feature immediately above the head cut in Permit KRSB-8603.



Figure 5 – Erosional feature immediately below the head cut and plunge pool.



