



Public Service Commission
State of North Dakota

MWJ

PSC-04

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INSPECTION REPORT

DATE OF INSPECTION: November 15, 2023

TYPE OF INSPECTION: Complete

PERMITTEE - MINE: Westmoreland Beulah Mine - Beulah Mine

PERMITS INSPECTED: KRSB-8603, KRSB-8802

PERSONS ACCOMPANYING INSPECTORS: Ethan Sharp

INSPECTION CONDITIONS: The inspection was conducted between 10:00 a.m. and 3:00 p.m. CST. The sky was mostly sunny. The temperature ranged from 40 to 60° F. Access was somewhat restricted due to mud.

OFFICE RECORDS

The office records listed in the table below were on file and briefly reviewed at the Beulah Mine office.

Record	Comment(s)
Permits and Permit Revisions	Copies on file.
Certificate of Liability Insurance	On file, expires 7/1/2024
Ground Water Monitoring Report (Annual)	2022 Ground Water Monitoring Report was on file, approved September 12, 2023.
Ground Water Quality Summary	Data for the 2022 Ground Water Quality Summary report was on file.
Quarterly Ground Water Level Report	3 rd Quarter 2023 report was on file.
Surface Water Quality Summary	2023 Surface Water Quality Summary was on file.
NDPDES Permit No. ND-0023736	Expires September 30, 2027
Storm Water Discharge Permit NDR32-0000	Expires December 31, 2024. Transferred to Westmoreland Beulah Mining, LLC May 8, 2019.
Annual Pond Inspection Report	2022 Annual Inspection dated December 20, 2022
Quarterly Pond Inspection Report	3 rd Quarter 2023 Pond Inspections were on file but the document was not signed.
Quarterly Discharge Report	3 rd Quarter 2023 Discharge reports were on file.
Pond Certifications	Records on file indicate that Pond 112 was the last pond certified, November 16, 2022.
MSHA Pond Inspections	Ponds 30 and 52 were inspected on Oct 19, 2023
Air Pollution Control Permit No. 081011	Expires May 22, 2026.
County Conditional Use Permits	Permits from Oliver and Mercer Counties are on file.

Haul Road Certifications	The most recent certification consisted of the Gold Pit Ramp extension and Iron Pit No. 1 to the primary haul road in Permit KR5B-8603, dated October 19, 2015.
Wildlife Monitoring Report	The 2020-2021 report is on file.

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 was being removed. This mine is in reclamation status and coal sales have ceased.

SURFACE WATER MANAGEMENT

No surface water discharges were reported occurring and no discharges were observed. Mr. Sharp indicated that most ponds were discharged after the last rain/snowfall event that occurred in late October. The ponds in the table below are listed in the order inspected and their water elevations are noted in relation to Permanent Pool Elevation (PPE) or spill elevation.

Sediment Pond	Comment(s)
P71	Water about 5 feet below riser spill elevation. PPE marker not observed.
P70	Water about 2.5 feet below PPE.
P30	Water at PPE.
P103	Water 2 feet below PPE, 4 feet below top of riser.
P99E	Water 5 to 6 feet below spill elevation, observed from a distance.
P106	Water about 3 feet below spill elevation.
P112	Water 5 to 6 feet above spill elevation, preparing to further discharge.
P113	Water about 1.5 feet below top of riser, water being pumped to P101.
P85	Water 3 to 4 feet below PPE.
P100	Water about 1.5 feet below PPE.
P101	Water about 3 feet below PPE.
P102	Water about 7 feet below riser spill elevation.

In follow-up to the inspection conducted November 9, 2023, the recently reclaimed drainageway in the NE¼NW¼SW¼ of Section 22 of Permit KR5B-8603 was inspected. This drainageway is associated with the Gold_1_2022 grade approval request on Schmidt et. al. property. An active headcut and a rill/gully were observed in the drainageway. The headcut has formed where surface water runoff is passing from the respread topsoil and subsoil onto adjacent graded spoil that is about 5 feet lower in elevation. No measures were in place to prevent headcutting from occurring and water was flowing through the drainage. A series of straw wattles were observed in the reclaimed drainageway, but surface water runoff was passing under the straw wattles. This drainageway was recently mulched and the mulch was obscuring a clear view of the rill/gully. The rill/gully appeared to be about 1 foot wide and about 9 inches deep and it extended the length of the reclaimed drainageway. The headcut was about 3 feet deep, 3 to 4 feet wide, and about 8 feet in length. Photographs of the headcut and rill/gully were taken and are on file with the Reclamation Division. Three of these photographs are included in Figures 1, 2, and 3 at the end of this report.

The head cut revealed that at least two feet of topsoil had been respread in the Schmidt et. al. drainage way. Mr. Sharp indicated that the Schmidt et. al. surface owners did not have a soil mixing agreement, a decision was made to respread topsoil at a greater depth than planned in the drainage way to deplete the Schmidt et. al. topsoil stockpile. Exposed respread subsoil along the stripping edge in the drainage way appeared to contain a lot of gray colored spoil-like material.

The diversion that collects runoff from graded spoil northwest of sediment pond P107 was partially observed. It appeared that it was directing surface water runoff to pond P107 as planned.

GROUND WATER

A considerable amount of water has accumulated in the East Iron Pit. It is imperative this water be removed from the pit prior to freezing solid. Buried ice creates surface differential settling and reclamation of the East Iron Pit may need to be delayed if this water is not discharged from the pit. This issue was discussed with Ms. Ore on November 16, 2023.

SUITABLE PLANT GROWTH MATERIAL REMOVAL/RESPREAD

No topsoil or subsoil was being removed or respread. Topsoil and subsoil have been removed from previously undisturbed land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 of Permit KRSB-8603 (see correspondence dated September 29, 2023). It appeared that additional topsoil and subsoil could be salvaged from the site, but the site was not closely inspected. Mr. Sharp indicated that removal operations were halted and that SPGM removal and topographic blending operations have not been completed on the site.

About 2 acres immediately north of the pool area of pond P71 has not yet been reclaimed. A dense stand of volunteer vegetation, primarily smooth brome grass, has established on this site. A ridge along the north side of this site will be eliminated when SPGM is respread. This area was not hayed in 2023. WBM should make plans to reclaim this area if it is certain that pond P71 will remain a permanent feature.

A minor erosional feature was observed at the culvert outlet under the section line trail between Sections 13 and 24 of Permit KRSB-8802. Water was ponding on both sides of this culvert. Ideally, some small rock would be placed in the erosional feature to dissipate energy and promote stability.

Two rills were observed on reclaimed cropland west of reclaimed sediment pond P56 which were in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20 of Permit KRSB-8802. A fence has been constructed adjacent to one of these features, which should help it become vegetated and stable. A grassed waterway may be needed to stabilize the other feature.

A rill that is becoming vegetated was observed at the south end of the area affected by reclaimed sediment pond P55, which was in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20 of Permit KRSB-8802. This feature should be monitored to ensure stability. Reclaimed sediment ponds P55 and P56 were not hayed or managed with grazing in 2023.

A perimeter fence has been constructed around all Heth owned lands affected by surface coal mining activities. This would include the S $\frac{1}{2}$ of Section 17, NE $\frac{1}{4}$ of Section 20 and the E $\frac{1}{2}$ of Section 19 in Permit KRSB-8802. This new four-wire barbed wire fence with steel posts ties into existing fences that were not disturbed by mining activities. A cross fence that follows a grassed waterway dissects the NW $\frac{1}{4}$ of Section 20. This fence does not follow the tame pastureland post-mining land use boundary so perhaps WBM and the surface owner are planning a post-mining land use change in this area. Similarly, tame pastureland in the eastern portion of the SE $\frac{1}{4}$ of Section 17 was not fenced from post-mine cropland. Reclaimed cropland near reclaimed sediment ponds P47, P61 and P62 were idle in 2023.

BACKFILLING & GRADING

The 1250 and PC2000 excavators were removing spoil in the West Iron Pit. Trucks were hauling this material to the final Iron Pit area where backfilling and grading operations were occurring. This spoil looked brown and of good quality. The dragline was backfilling the Iron Pit south of sediment pond P104.

REVEGETATION

An area immediately south of reclaimed sediment pond P25 was inspected. Topsoil was respread on this site last winter and the site was reportedly seeded to the hayland seed mixture, but no perennial vegetation was observed having established. Annual weed growth, primarily Russian thistle and kochia, which were not clipped, dominate the site. Perennial vegetation has also failed to establish on the reclaimed haul road corridor in Sections 13 and 24 of Permit KRSB-8802. This annual weed growth has been clipped and Mr. Sharp indicated that WBM was planning to reseed this corridor next spring.

All observed reclaimed hayland, and cropland being managed as hayland, in Permits KRSB-8802 and KRSB-8603 were hayed in 2023. Bales remain in the field in Section 18 of Permit KRSB-8802. Sunflowers on reclaimed cropland in the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 13 of Permit KRSB-8802 have been recently harvested.

A deteriorated silt fence that needs to be removed was observed to the northwest of the pond P71 embankment.

A volunteer stand of cottonwood trees has established on cropland in the NW $\frac{1}{4}$ of Section 24 in Permit KRSB-8802. The trees prevent agricultural activities for the designated land use of cropland. WBM needs to consult the landowner (Liebelt) to determine if the trees remain or need to be removed.

ROADS


Mr. Sharp was reminded that a road will need to be constructed on the section line between Sections 20 and 29 in Permit KRSB-8603.

WILDLIFE

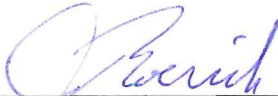
Numerous Canada geese were observed on sediment pond P30 and 10 mule deer were observed on the north slope of topsoil stockpile 14-01-1. A white-tailed doe and buck were observed in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 22 of Permit KRSB-8603. Three deer were observed in the southeast corner of Section 17 and a ring-necked pheasant rooster and a covey of Hungarian partridge were observed in the NW $\frac{1}{4}$ of Section 20 of Permit KRSB-8802.

GENERAL

A GPS tracklog of the route traveled during this inspection is on file with the Reclamation Division as are photographs taken.



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Figure 1: Head cut and rill/gully on Schmidt et. al. property in NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 of Permit KRSB-8603.



Figure 2: Head cut and rill/gully on Schmidt et. al. property in NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22 of Permit KRSB-8603.



Figure 3: Head cut and rill/gully on Schmidt et. al. property in NE¼NW¼SW¼ of Section 22 of Permit KRSB-8603.

