

PUBLIC SERVICE COMMISSION

Reclamation Division

Memorandum

TO: Commissioners Christmann, Haugen-Hoffart, and Fedorchak
John Schuh - General Counsel
Steve Kahl - Executive Director

FROM: ^{JE} Jonathan Emmer and ^{MJ} Monty Johnson

DATE: March 4, 2024

SUBJECT: Order for Notice of Violation 2301 issued to Westmoreland Beulah Mining LLC,
Case No. RC-23-355

Notice of Violation (NOV) 2301 was issued to Westmoreland Beulah Mining LLC (WBM) on December 11, 2023, following inspections conducted by Reclamation Division staff on November 9, 2023, and November 15, 2023. NOV 2301 was issued for failure to install appropriate measures to prevent and control water erosion in a portion of a reclaimed drainage way in Section 22, T143N, R88W of Surface Coal Mining Permit KR5B-8603 which resulted in a loss of topsoil.

On January 9, 2024, WBM submitted a request for an informal conference be held regarding the NOV. This action required the Commission to assess a proposed penalty and schedule an informal conference. The Commission proposed a civil penalty of \$3,000 (\$1,000 for history, \$500 for seriousness, \$1,500 for negligence, and \$0 deduction for good faith) on January 24, 2024. On January 18, 2024, the Commission scheduled an informal conference which was held on February 8, 2024. The Hearing Officer issued the Informal Conference Findings and Ruling and Recommended Order on March 1, 2024, which affirms Notice of Violation 2301 and assesses a \$3,000 penalty.

The Reclamation Division recommends the Commission adopt the attached Hearing Officer's order. A proposed motion for consideration at the March 5, 2024, Commission meeting is also attached.

Attachments