



Public Service Commission

Sheri Haugen-Hoffart

Randy Christmann

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600 East Boulevard Ave
Dept. 408
Bismarck, ND 58505-0480
701-328-2400
ndpsc@nd.gov

sent via certified mail and email

May 20, 2025

Mr. Rylan Sundsbak
Environmental Supervisor
Westmoreland Beulah Mining, LLC
Beulah Mine
P.O. Box 39
Beulah, ND 58523-0039

Dear Mr. Sundsbak:

Enclosed is Notice of Violation 2501 (NOV 2501) for Westmoreland Beulah Mining, LLC. Please sign the notice of violation once you receive it and send a copy to the Reclamation Division by mail or email. If you have any questions regarding this Notice of Violation, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan Emmer".

Jonathan Emmer
Director
Reclamation Division

Enclosure

cc w/ enclosure via email only: Jesse Noel (jnoel@westmoreland.com)
Todd Briggs (TBriggs@westmoreland.com)
Jeff Fleischman (jfleischman@osmre.gov)
John Sieving (jsieving@osmre.gov)

Cert. No. 9589 0710 5270 1582 7572 35

Beulah Mine (Dakota Westmoreland)\Violations\2025\NOV-2501_cvr_ltr_5-20-25



NOTICE OF VIOLATION
NORTH DAKOTA PUBLIC SERVICE COMMISSION
RECLAMATION DIVISION
 SFN 18099 (7-2022)

Notice of Violation Number
 2501

Name of Permittee Westmoreland Beulah Mining LLC		Permit Number KRSB-8603	
Address P.O. Box 39		City Beulah	State ND
Telephone Number (701) 380-9166		Mine Beulah Mine	ZIP Code 58523
County Mercer			
Name of Operator (if other than permittee)			
Address		City	State
Date of Inspection 04/24/2025		Time of Inspection From: 9:40	To: 11:50
		<input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<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 page 3, or is terminated or vacated by written notice by an authorized representative of the Commission.</p>			
Name of Person Served Rylan Sundsbak		Title of Person Served Environmental Supervisor	
Method of Service <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Certified Mail		Date of Service 05/20/2025	
Signature of Person Served		Signature of Authorized Representative 	

Nature of Violation (if applicable, include the extent to which the violation cannot be corrected)

The permittee failed to protect respread topsoil on private land, which resulted in topsoil being commingled with spoil on approximately 3.5 acres of reclaimed cropland within the Gold-01-2024 grade approval area in the SE1/4 of Section 22, T143N, R88W in Permit KRSB-8603.

Notice of Violation Number
2501

Provision(s) of the Statute, Rules, or Permit Violated

NDCC 38-14.1-24(5) Protect suitable plant growth material to remain free from any contamination by toxic material
NDAC 69-05.2-15-02(1) Prevent suitable plant growth materials from becoming contaminated
NDAC 69-05.2-15-03(2) Stockpiled materials must be protected from contaminants

Portion of the Operation to which this Notice Applies (Include legal description)

The respread Gold-01-2024 grade approved area located in the SE1/4 of Section 22, T143N, R88W in Permit KRSB-8603.

Remedial Action Required (including interim steps, if any)

Westmoreland Beulah Mining, LLC (WBM) must contain the contaminated area to prevent contamination of suitable plant growth material on adjacent areas.

WBM must remove the apparent spoil material from the respread topsoil, place it in an area approved by the Reclamation Division, and provide the quantity of contaminated topsoil removed. WBM must develop and submit a remediation plan to the Reclamation Division for approval. The plan must include: (1) testing of the remaining respread topsoil to determine whether it meets the requirements of NDAC 69-05.2-08-10, (2) measures to alleviate compaction caused by the removal of the contaminated topsoil, (3) identification of the location from which additional topsoil will be obtained, if necessary, to replace the contaminated material, (4) a plan to notify the Reclamation Division prior to respreading topsoil for inspection, and (5) a description of the measures that will be implemented to prevent future topsoil contamination.

Time for Abatement (including interim steps, if any)

1. WBM must contain the contaminated area within 5 days following receipt of this notice of violation.
2. WBM must remove the apparent spoil material from the respread topsoil, place it in an area approved by the Reclamation Division, and provide the quantity of contaminated topsoil removed within 10 days following receipt of this notice of violation.
3. WBM must submit the remediation plan to the Reclamation Division within 14 days following receipt of this notice of violation.

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.