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6204 13th Street SW  
Beulah, ND 58523

701.380.9166

www.westmoreland.com

MAY 28 2025

May 29, 2024

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

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

**Re: Notice of Violation (NOV) 2501 – Abatement and Remediation Plan**

Dear Mr. Emmer:

Westmoreland Beulah Mining LLC (WBM) acknowledges May 20, 2025 as the date of service for NOV 2501 and offers the following information regarding abatement and proposed remediation plan:

- 1) On or around April 19<sup>th</sup> a WBM operator inadvertently commingled a small amount of spoil with topsoil during the respread operation 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. The area was inspected by the on-site supervisor and the potential issue was immediately reported to the Reclamation Division.
- 2) The 3.5 acre area was immediately contained with the installation of silt fencing as documented in your April 24, 2005 inspection report. This abatement action satisfies Abatement Item No. 1 as acknowledged in your letter dated May 21, 2025 (sent via email).
- 3) In accordance with Abatement No. 2, the apparent spoil material was removed on May 13<sup>th</sup> and May 14<sup>th</sup>, 2025 and returned to its location of origin and will remain there until testing can be completed. Approximately 50 loose cubic yards of material was removed. In consultation with the Reclamation Division, after testing should the material exhibit topsoil or subsoil quality, it will be stockpiled near Pond 106. In the alternative, should the material test as spoil, it will be utilized in the Gold Pit area as fill material.
- 4) The remaining area will be cultivated to visually determine if spoil material is present elsewhere and to minimize compaction. The remaining topsoil will then be sampled to determine if it meets the requirements for topsoil. WBM does not believe that replacement topsoil is necessary as the removal of the 50 loose cubic yards of material equates to an overall depth of 0.1 inches of material moved over the 3.5 acre area.

In order to prevent this issue from reoccurring, WBM has provided additional training to operators and field personnel to assist in identifying potential spoil when relocating soil. The training includes a notification process and requires a cessation of activities until the appropriate WBM personnel can determine the best practical way to proceed.



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WBM looks forward to working with you and the Reclamation Division to quickly move through the abatement and remedial action requirement.

Please contact me should you have any questions.

Sincerely,

Juris Ore  
Site Manager  
Westmoreland Beulah Mining LLC