



Public Service Commission

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

Dear Mr. Sundsbak:

The Reclamation Division has reviewed Westmoreland Beulah Mining, LLC's (WBM) August 6, 2025 Notice of Violation (NOV) 2501 - Remediation Plan - Follow Up Results letter. WBM demonstrated that 71 samples were collected in accordance with the abatement and remediation plan that was conditionally approved by the Reclamation Division on June 20, 2025. Reclamation Division inspectors observed the collection of sample numbers 54 through 60 on July 10, 2025.

WBM's letter erroneously summarizes that all 71 samples met the criteria for suitable plant growth material (SPGM) with regard to Percent Organic Matter (OM) and Electrical Conductivity (EC), and that only two samples exceeded a Sodium Adsorption Ratio (SAR) of 10. The Reclamation Division does not agree that the sample results show that the contaminated material has been successfully removed, and the test results warrant further corrective action.

According to the sample results provided, sample numbers 3, 5, 6, 7, 8, 9, 10, 11, 14, 16, 17, 19, 21, 22, 26, 30, 35, 38, 39, 44, 48, 56, 58, 60, and 64 do not meet the criteria for topsoil based on their EC and/or SAR results. In accordance with NDAC 69-05.2-08-10(1)(a), topsoil (SPGM considered best for topdressing) must have an EC of less than two millimhos per centimeter ($EC \times 10^3$), a SAR of less than four, and an OM of one or more. With regard to WBM's statement that only two samples exceeded a SAR of 10, it appears that WBM may have used the criteria for subsoil as stated in NDAC 69-05.2-08-10(1)(b). The requirements for subsoil do not pertain to this remediation plan, and WBM is reminded that Item No. 6 of the conditionally approved abatement and remediation plan cites NDAC-05.2-08-10(1)(a). The Reclamation Division recognizes that future grade approvals will not be operationally available until the remediation of NOV 2501 is resolved. Please address the following items in a revised remediation plan.

Notice of Violation (NOV) 2501 – Remediation Plan – Follow Up Results

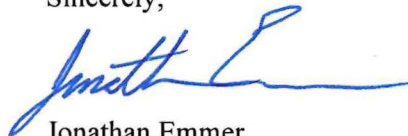
1. Please include copies of the official soil test results provided by MVTL.
2. Please provide the topsoil respread depths observed at each of the 71 sample locations. Figure 2 and Figure 3 of the conditionally approved abatement and remediation plan state that soil depths will be checked at all sample locations.

3. The revised remediation plan should address the following:
 - a. The removal of all remaining contaminated topsoil.
 - b. Approximate quantity of contaminated topsoil that will be removed.
 - c. Where the contaminated topsoil will be stored.
 - d. How the contaminated topsoil will be used in future reclamation efforts.
 - e. How WBM plans to replace the removed topsoil.

4. Please include a map that shows the boundaries of the areas that do not meet topsoil quality criteria and provide details on how WBM plans to remove the contaminated topsoil.

If you have any questions, please contact this office.

Sincerely,



Jonathan Emmer
Director
Reclamation Division

cc via email only: Juris Ore (jore@westmoreland.com)
 Dave Kuzara (DKuzara@westmoreland.com)
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