

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 233-0137-2012

Name of person charged: Terry W. Moore Social Security Number: _____
Address: _____
Home phone number: _____ Certification number: 38359
Applicable type of certification: Mine Foreman
Name of mine operator/company: Performance Coal Company Mine: UBB Montcoal Eagle
Date: 01/10, 20 12 Time 11:45 X A.M. P.M.
Location of violation: North Conveyor Belts

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 17 and/or Administrative Regulation _____,
Title _____, Series _____, Section _____ in that you were: As a mine foreman you
failed to give prompt attention to the removal of all dangers reported to
you by your assistants and or fire bosses as required by this article of
law. The record books being kept for the conveyor belts reflect the need
for additional rock dust and cleaning for the time period from (see
attachment) 12/28/2009 through 4/05/2010. There is no record that these
hazardous conditions are ever totally corrected. You were aware of this
condition as evidenced by your signature in the belt conveyor book.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) X Occurred (20) _____
Severity of injury normally expected: None (0) _____ No lost work days (5) _____
Lost workdays/restricted days (10) X Permanently disabled (15) _____ Fatal (20) _____
Number of persons potentially affected: 0 (0) _____ 1 (5) _____ 2 (10) _____ 3 (15) _____ 4-5 (20) _____
6-9 (25) _____ more than 9 (30) X _____
History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____
Total Points: _____
Authorized representative: Danny Jones 233
Assessment Officer: Steve Gafferty
Assessment Review Officer: Ronald Kidd

IF-O18
Revised 1-08 Cont.

STATE OF WEST VIRGINIA

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Assessment
Regional Office
Post
Rep of Mines

Region _____
No. _____
Violation No. _____

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1615 Washington Street East
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NOTICE OF VIOLATION - CONTINUATION PAGE NO. _____

Company / Operator _____ Contractor: Yes _____ No _____

Permit Number _____ Mine Name _____

Date of Issue _____, 20 ____ Time _____ A.M. _____ P.M.

1. The mine foreman shall each day read carefully and countersign all reports entered in the record book of the fire bosses, is not being observed in the north belts conveyor book for the month of April, 2010. In that five (5) pre-shift reports from 4/3/10 to 4/5/10, and four (4) on shift reports from 4/3/10 to 4/5/10 were not countersigned by the mine foreman to prove he is aware of the hazardous conditions entered by the fire bosses.

2. Based on a written fire boss report of the North belts, recorded in a fire boss book labeled examination of belt conveyors, the fire boss entry on the pre-shift report indicates the active Head Gate 23, No. 3 belt as needing rock dusted from 1/13/10 to 1/16/10, then as needing spot cleaned and rock dusted 1/16/10 to 2/12/10. This report of hazardous conditions is being countersigned daily by the mine foreman to prove of his awareness of the conditions found. There is no record that this hazardous condition was corrected.

3. Based on a written fire boss report of the North belts, recorded in a fire boss book labeled examination of the belt conveyors, the fire boss entry on the pre-shift report indicates the active Head Gate 22, No. 1 belt as needing spot cleaned and rock dusted. This hazardous condition is allowed to be carried over from 1/16/10 to 4/5/10. This report is being countersigned daily by the mine foreman to prove of his awareness of the conditions found.

4. Based on a written fire boss report of the North belts, recorded in a fire boss book labeled examination of belt conveyors, the fire boss entry of the pre-shift indicates the active North No. 6 belts as needing rock dusted from 2/22/10 to 2/28/10, then as needing spot cleaned and dusted from 2/28/10 to 3/29/10, then as needing spot cleaned from 3/29/10 to 3/31/10 and then from 4/1/10 to 4/5/10 as needing spot cleaned and rock dusted. This report is being countersigned daily by the mine foreman. There is no record that hazardous conditions were corrected.

Company / Operator Agent Served: _____

Authorized Representative: _____

Inspector No. 233

REVIEW: In accordance with Section 22A-4-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

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Notice of Individual Violation

Case Number: 233-0136-2012

Name of person charged: Rickv J. Foster

Social Security Number: _____

Address: _____

Home phone number: _____ Certification number: 28736

Applicable type of certification: Mine Foreman

Name of mine operator/company: Performance Coal Company

Mine: UBB Montcoal Eagle

Date: 01-10, 2012 Time 11:30 X A.M. P.M.

Location of violation: South Conveyor Belts

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 17 and/or Administrative Regulation _____

Title _____, Series _____, Section _____ in that you were: As a Mine Foreman you failed to give prompt attention to the removal of all dangers reported to you by your assistants, and or fire bosses as required by this article of law. The need for additional rock dust and cleaning for the time period from (see attachment) 12/28/2009 to 3/31/2010. There is no record that these hazardous conditions are ever totally corrected. You were aware of these conditions as evidenced by your signature in the belt conveyor book

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) X Occurred (20) _____

Severity of injury normally expected: None (0) _____ No lost work days (5) _____

Lost workdays/restricted days (10) X Permanently disabled (15) _____ Fatal (20) _____

Number of persons potentially affected: 0 (0) _____ 1 (5) _____ 2 (10) _____ 3 (15) _____ 4-5 (20) _____

6-9 (25) _____ more than 9 (30) X

History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____

Total Points: _____

Authorized representative: *Dan G. G. 233*

Assessment Officer: *Steve Lafferty*

Assessment Review Officer: _____

IF-018
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STATE OF WEST VIRGINIA

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NOTICE OF VIOLATION - CONTINUATION PAGE NO. _____

Company / Operator _____ Contractor: Yes _____ No _____

Permit Number _____ Mine Name _____

Date of Issue _____, 20____ Time _____ A.M. _____ P.M.

1. Based on a written fire boss report of the south belts. Recorded in a fire boss book labeled examination of belt conveyors, the fire boss entry on the preshift report indicates the active no. 4 section, #3 belt as needing spot cleaned and rockdusted from 12/28/2010 to 1/3/2010. Then reported as needing spot cleaned and rockdusted from 1/3/2010 to 1/7/2010, then as needing rockdusted from 1/7/2010 to 1/12/2010 and not showing corrected. NOTE: This belt was taken out of service 1/13/2010. This belt was taken out of service 1/13/2010. This report is being countersigned daily by the mine.

2. Based on a written fire boss report of the south belts. Recorded in a fire boss book labeled examination of belt conveyors. The fire boss entry on the preshift indicates the active no. 4 section no. 1 belt as needing spot cleaned and rockdusted. This hazardous condition is allowed to be over and not corrected from 12/28/2009 to 1/2/2010. This report is being countersigned daily by the mine foreman. NOTE: This same belt shows to be taken out of service on 1/13/2010. This report is being countersigned daily by the mine foreman.

3. Based on a written fire boss report of the south belts. Recorded in a fire book labeled examination of belt conveyors. The fire boss entry on the preshift report indicated the active no. 3 section No.1 belt as needing spot cleaned and rockdusted. This hazardous condition was allowed to be carried over and not corrected from 2/22/2010 to 3/31/2010. This report is being countersigned daily by the mine foreman, which shows his awareness of the condition reported.

Company / Operator Agent Served: _____

Authorized Representative: _____

Inspector No. 233

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

State of West Virginia
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1615 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 229-0115-2010

Name of person charged: Ted Farrish Social Security Number: 1
Address: _____
Home phone number: _____ Certification number: _____
Applicable type of certification: 1-3042-92
Name of mine operator/company: Performance Coal Company Mine: UBBMC Montcoal
Date: 7-13, 2010 Time 2:20 A.M. X P.M.
Location of violation: _____

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter 22A, Article 2, Section 57(b) and/or Administrative Regulation _____
Title _____, Series _____, Section _____ in that you were: in violation of Chapter
22A, Article 2, Section 57(b) of the West Virginia Code of Mining Laws,
which states that smoking and smokers articles are prohibited in all mines
and that no person shall, at any time, enter a mine with or carry therein
any device for making lights or fire not authorized or approved. At
8:00a.m. on July 13, 2010, you and other passengers were transported in the
MT-5 personnel carrier from the surface area of the mine to the end of the
track at crosscut no. 81. The mine dispatchers log indicates that this
personnel carrier remained at this location during the shift. Prior to
the return trip to the surface, at approximately 2:20p.m. (See Attached)

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) X Occurred (20) _____
Severity of injury normally expected: None (0) _____ No lost work days (5) _____
Lost workdays/restricted days (10) _____ Permanently disabled (15) X Fatal (20) _____
Number of persons potentially affected: 0 (0) _____ 1 (5) _____ 2 (10) _____ 3 (15) _____ 4-5 (20) _____
6-9 (25) _____ more than 9 (30) X _____
History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____
Total Points: _____
Authorized representative: MS Kennis Browning 229
Assessment Officer: _____
Assessment Review Officer: _____

a cigarette lighter was discovered in the seat area that you had occupied on the trip into the mine. Subsequent to this discovery, you stated to a representative of the West Virginia Office of Miners' Health, Safety, and Training that the cigarette lighter belonged to you.