West Virginia Office of Miners' Health, Safety and Training

September 19, 2008

Report of Investigation Surface Coal Mine Fatality (Rollover of a Dozer)

AJM Corporation, Permit Number C-7881
Contractor for
Alex Energy, Inc.
No. 1 Surface Mine, Permit Number S-3013-91A

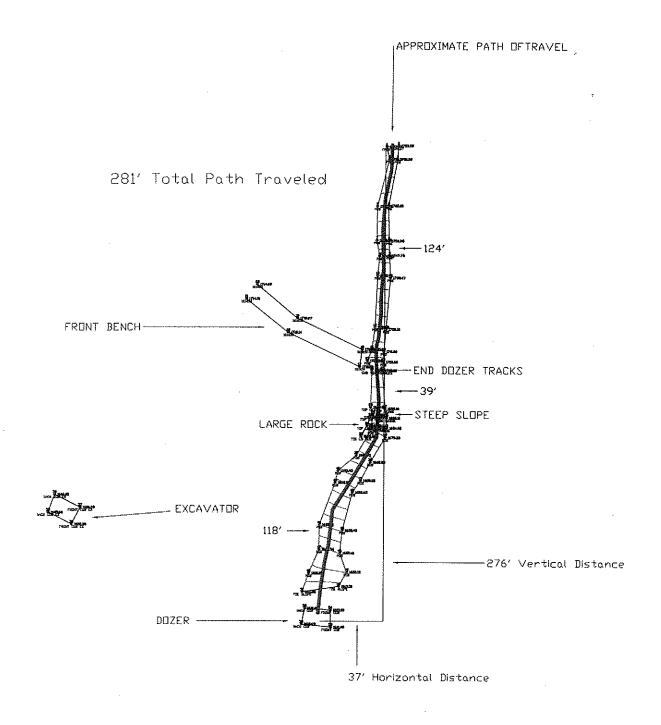
Region IV Office 142 Industrial Drive Oak Hill, West Virginia 25901 Gary S. Snyder, Inspector-at-Large

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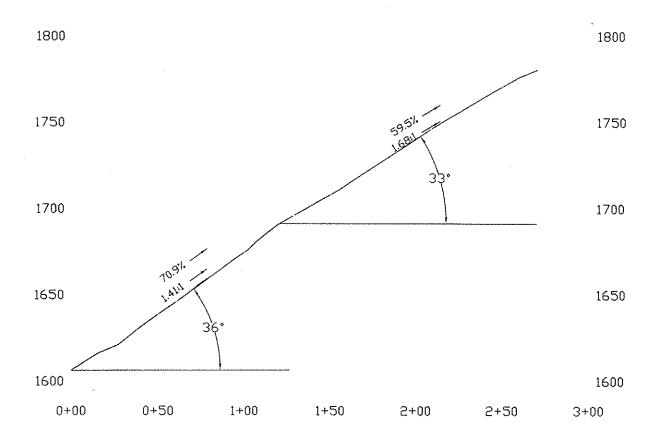
Accident Scene - Slope Profile Prepared By Alex Energy, Inc., Engineering Department

Not To Scale



Accident Scene - Slope Profile Prepared By Alex Energy, Inc., Engineering Department

Scale 1" = 50'



Report of Investigation
Surface Coal Mine Fatality
AJM Corporation, Permit Number C-7881
Contractor for
Alex Energy, Inc.
No. 1 Surface Mine, Permit Number S-3013-91A

GENERAL INFORMATION

This report is based on an investigation conducted in accordance with Chapter 22A, Article 2, Section 66 of the mining laws of the State of West Virginia.

James Otis Woods, an employee of AJM Corporation, was critically injured in an accident at approximately 2:50 p.m. on September 19, 2008. Mr. Woods was attempting to grade a previously reclaimed area of the mine, when the dozer he was operating overturned and rolled four times to the bottom of a steep grade. Mr. Woods died on October 4, 2008 from the injuries he sustained during the accident.

The West Virginia Office of Miners' Health, Safety and Training, Region IV office, was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 3:58 p.m. on September 19, 2008. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

The Alex Energy Inc., No. 1 Surface Mine, permit number S-3013-91A, is located near Drennen in Nicholas County, West Virginia. The surface mine normally operates seven (7) days a week, with staggered shifts and starting times, and has 208 employees. In addition, several independent contractors are used to perform various duties such as maintenance, blasting and reclamation at the mine. AJM Corporation is one of the independent contractors assigned to perform drainage and reclamation projects at the mine.

On September 19, 2008, two (2) employees of AJM Corporation met at the Right Fork reclamation area of the mine at 7:30 a.m. to plan the work to be done that day. The two men, James Otis Woods and Bernard Brown, had been working at this site for approximately one (1) week. The project consisted of grading the outer slope of the area that had been mined and back-filled approximately three (3) years ago. Subsequent settlement of the back-fill material had exposed sections of the reclaimed highwall that needed to be removed or covered to comply with environmental regulations. The exposed highwall lay approximately midway down the back-filled slope. Earlier in the week, Mr. Woods had used a dozer to excavate the back-filled material to create a bench atop the exposed highwall. Mr. Woods then used a small John Henry track drill, owned by the mine operator, to drill holes in the solid rock of the exposed highwall. A blasting crew then used light charges of explosives to crack and break the rock for removal. A plastic slurry line, leading from the preparation plant to a refuse impoundment, was located adjacent to a drainage ditch at the bottom of the reclamation slope. The slurry

line had been damaged by the dozer the day before. After discussion, the men decided to work at the bottom of the slope, repairing and covering the plastic slurry line. They would also place large rocks in front of the line to protect it from damage should a rock roll down the slope from the grading work to be done above. This work continued for approximately three (3) hours. Mr. Woods was, as usual, operating a Caterpillar D6R dozer and Mr. Brown was operating a Caterpillar 325 excavator. Work progressed until approximately 12:00 p.m. when both men stopped for lunch.

After lunch, Mr. Woods began to grade the outer slope of the back-filled material. The outer slope was 276 feet in length and the percentage of grade varied from 59.5% to 70.9%. Mr. Brown was to remain at the bottom of the slope and continue to place large rocks to protect the plastic slurry line. The grading of the material required Mr. Woods to begin at the top of the slope at a temporary road that had been constructed for access to the area. Mr. Woods would lower the dozer's blade and begin his descent down the slope, from the upper portion, while cutting and gathering as much loose material as he could in front of his blade. This material was to be used in grading the outer slope and also served to act as a "brake" to keep the dozer under control while descending the steep slope. Some of this loose material was used to fill voids and cavities near the site of the previously exposed highwall. The lower section of the outer slope was too steep to allow the dozer to climb back up the hill on the loose material. Upon reaching the bottom of the outer slope, Mr. Woods would have to tram the dozer to an adjacent area that was not quite as steep in order to return to the top of the slope for another downhill grading pass. Mr. Woods and Mr. Brown used C.B. radios to stay in communications with each other during this process. Mr. Brown stated he would watch Mr. Woods as he descended the hill in order to avoid any loose rocks that would happen to be dislodged and roll down the slope.

Work proceeded normally until around 2:50 p.m. when Mr. Woods started, according to Mr. Brown, his eighth pass down the slope. The previous passes down the slope had gotten progressively closer to a section of the exposed highwall that appeared to consist of a more solid rock material. Mr. Brown stated that as he was watching Mr. Woods come to the area of the previously exposed highwall, the dozer blade raised and the dozer abruptly turned to the left. As the dozer turned sideways, it overturned and rolled approximately four (4) times, coming to rest upside down at the bottom of the slope. Mr. Brown immediately ran to the overturned dozer and found Mr. Woods semi-conscious and suspended upside down by the seat belt in the operator's seat. Mr. Brown lifted the victim enough to unlatch the seat belt and helped Mr. Woods to the ground beside the dozer. Mr. Brown then ran back to the excavator and used the C.B. radio to summon aid from workers at the surface mine. EMT's from the surface mine rushed to the site to administer aid to the victim. Because of the rough terrain, a four-wheel drive vehicle from Kesslers Cross Lanes Fire Department was used to transport the victim to an area near the Sugar Camp underground mine. The victim was then transferred to a waiting Health Net helicopter that transported him to Charleston Area Medical Center for treatment. James Otis Woods remained a patient in the medical facility until the time of his death at 10:29 p.m. on October 4, 2008.

FINDINGS OF FACTS

- 1. There were no hazards noted in the preshift/on shift examination book completed by the surface mine foreman during the week of September 15, 2008 through September 19, 2008.
- 2. The available daily equipment safety checklists completed by James Otis Woods on the Caterpillar D6R dozer showed no defects noted on the equipment. The onboard computer on the dozer (ECM) showed no conclusive evidence of low fluid levels or electrical/mechanical malfunctions on the day of the accident. Statements from the victim, to family members after the accident, indicated there were no operational faults on the dozer on the day of the accident.
- 3. The outer slope of the Right Fork reclamation project, in the area of the accident, was approximately 276 feet in distance. The top portion of the reclamation projects outer slope (above the previously exposed highwall) had an average grade of 59.5 percent. The lower portion of the reclamation project's outer slope had an average grade of 70.9 percent. The backfill material consisted of rock and dry dirt. The victim lost control of the Caterpillar D6R dozer near the area of the previously exposed highwall. Although the exposed highwall had been drilled and lightly blasted, the rock material in this area was still tightly wedged in place making traction/control for the dozer difficult.
- 4. AJM Corporation, the independent contractor assigned to perform reclamation duties at the Right Fork area of the mine, had not properly registered with the West Virginia Office of Miners' Health, Safety and Training and therefore was not assigned an independent contractor identification number. AJM Corporation did not possess a Certificate of Approval for 2008 or an approved Comprehensive Mine Safety Program, both of which are required to perform work on mine property in West Virginia.
- 5. The mine operator could not provide accurate information on the independent contractor, AJM Corporation, assigned to perform reclamation/drainage projects at the Alex Energy, Inc., No. 1 Surface Mine. Upon review of the mine operator's independent contractor register, it was found that the required information for AJM Corporation was incomplete. Omission of the required information allowed the independent contractor to perform work prior to receiving the required permits and plans.

CONCLUSION

The backfilled material at the accident scene was comprised of dry, loose dirt and rocks that were placed in a steep angle of repose. This was also an area, near the previously exposed highwall, that had tightly-wedged large rocks that had to be pryed from the lightly-blasted material to grade the outer slope. These conditions made it difficult to maintain full control of the equipment being used to grade the slope.

James Otis Woods died of injuries received when he lost control of the D6R Caterpillar dozer he was operating and it rolled to the bottom of the steep slope.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7 of the West Virginia Mining Laws in order to preserve the scene of the accident and to complete an investigation. The WV Office of Miners' Health, Safety and Training issued five notices of violation during this investigation. Three were issued to AJM Corporation and two were issued to Alex Energy, Inc. The following violation issued to Alex Energy, Inc. is considered to have contributed to the accident:

Notice of Violation (Order); Title 56, Series 3, Section 13.1a:

Investigation of an accident that occurred at the Right Fork reclamation area of the mine revealed the outer slope of the spoil material was too steep (for the type of material) to allow full control of the equipment (unassisted) being used. The spoil material consisted of dry, loose dirt mixed with large rocks which, when placed in a steep angle of repose, made maintaining control of the dozer being used to grade material difficult and hazardous. A D6R Caterpillar dozer was being operated on the slope without winch-cable anchorage (56-3-4.1, 56-2-14.2m) to assist the dozer operator in maintaining full control of the equipment (56-3-42.10a). Instability of the spoil material in the steep slope allowed the dozer to turn sideways, overturn, and roll four (4) times to the bottom of the grade. The dozer operator, James O. Woods, suffered serious injuries when he lost control of the dozer on the steep slope.

The following violation was issued to Alex Energy, Inc. and is not considered to have contributed to the accident:

Notice of Violation; Title 36, Series 20, Section 4.4:

The investigation revealed the mine operator, Alex Energy, Inc., was not maintaining an accurate register for independent contractors performing work at the surface mine. The independent contractor, AJM Corporation, had not properly registered with the WV Office of Miners' Health, Safety and Training, and had been working at this mine for more than two years.

The following three violations were issued to AJM Corporation and are not considered to have contributed to the accident:

Notice of Violation; Chapter 22A, Article 2, section 63(e): AJM Corporation had not applied for a certificate of approval from the WV Office of

Miners' Health, Safety and Training prior to performing reclamation work at the Alex Energy, Inc., No. 1 Surface Mine.

Notice of Violation; Title 56, Series 8, Section 5.1: AJM Corporation had not submitted a comprehensive mine safety program for approval prior to performing reclamation work at the Alex Energy, Inc., No. 1 Surface Mine.

Notice of Violation; Title 36, Series 19, Section 4:

AJM Corporation did not submit a mine accident and injury report, as required, to the WV office of Miners' Health, Safety and Training, giving full details of the accident that occurred on September 19, 2008.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Laws, the comprehensive mine safety program for Alex Energy, Inc. shall be modified to include the following:

STEEP SLOPE OPERATION SAFEGUARDS

The following safeguards shall apply only when work is being done by heavy equipment, such as dozers and excavators, on steep slopes (exceeding 25°/47%):

- 1. Only experienced operators who had demonstrated their knowledge and skill on the equipment to be used shall be allowed to operate the equipment on such slopes.
- 2. Radio communications will be provided on all equipment used on such slopes.
- 3. Work on such slopes shall be performed during daylight hours only.
- 4. Prior to commencing work on such slopes, a knowledgeable certified foreman responsible for the work area will meet at the site with the affected equipment operators to discuss the nature of the project and to identify potential hazards. Follow-up meetings will be held if warranted by changing conditions such as slope material or weather. Such discussions shall include at a minimum:
 - a. Slope, characteristics and roughness of the material to be graded, and;
 - b. Role of excessive loads, potential of track slippage, speed and equipment characteristics
 - c. Equipment maintenance
 - d. Additional safeguards as needed, such as side benches, blasting and anchorage
- 5. A record of the meetings required by paragraph four (4) above shall be recorded on an MSHA 5000-23 form.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Alex Energy, Inc., AJM Corporation, and the Mine Safety and Health Administration during this investigation.

APPENDIX

- Mine Information Sheet (page 9)
- Contractor Information Sheet (page 10)
- Victim Information Sheet (page 11)
- Notices of Violation Issued (page 12-17)

MINE INFORMATION

COMPANY Alex Energy, Inc.
MINE NAME No. 1 Surface Mine
WV PERMIT S-301391A
ADDRESS P.O. Box 857, Summersville, WV 26651
COUNTY Nicholas
DATE PERMIT ISSUED December 21, 1998 WORKING STATUS Active
LOCATION Near Drennen, WV
UNIONNON-UNIONYes
DAILY PRODUCTION
ANNUAL PRODUCTION TO DATE 1,980,477 tons (approximately)
TOTAL EMPLOYEES 208 NUMBER OF SHIFTS 2
NAME OF COAL BED Clarion, 5-Block, Coalburg, Stockton
SEAM THICKNESSVaries
ACCIDENT INCIDENT RATELOST TIME ACCIDENTS
TYPE OF HAULAGE Off-Road Truck
WV OMHST INSPECTOR Henry M. Armentrout
DATE OF LAST INSPECTION August 4, 2008
NOTIFIED BY Mine and Industrial Accident Emergency Operations Center
TIME OF NOTIFICATION 3:58 p.m.
CMSP – ANNIVERSARY DATE <u>February 15, 2009</u>
CMSP – CONTACT PERSONJonah Pritt

CONTRACTOR INFORMATION

CONTRACTOR AJM Corporation
WV PERMIT <u>C-7881</u> MSHA PERMIT NO. <u>D 705</u>
MAILING ADDRESS 91 Ball Park Road, Craigsville, WV 26205
COUNTY Nicholas PHONE NUMBER (304) 619-8513
TYPE OF WORK PERFORMED Reclamation
WORKING STATUS Active
LOCATION Near Drennen, West Virginia
UNION NON-UNION Yes
TOTAL EMPLOYEES 3
NUMBER OF SHIFTS 1
ACCIDENT FREQUENCY RATE 0 LOST TIME ACCIDENTS 0
WVOMHST INSPECTOR Henry M. Armentrout
DATE OF LAST INSPECTION N/A
CMSP – ANNIVERSARY DATE October 31, 2009
CMSP – CONTACT PERSON Jamie Woods

VICTIM INFORMATION

NAME OF VICTIM: James Otis Woods	
AGE OF VICTIM: 61 yrs.	
TOTAL MINING EXPERIENCE: 42 EXPERIENCE AT THIS MINE	: <u>2yrs</u>
AVERAGE NUMBER OF DAYS WORKED PER WEEK: 5	
AVERAGE NUMBER OF HOURS WORKED PER WEEK: 471/2	
LENGTH OF SHIFTS AT MINE: 9½ TRAVEL TIME TO/FROM WORK: 30 n	nin.
OCCUPATION AT TIME OF ACCIDENT: Foreman/Dozer operator	
REGULAR OCCUPATION: Foreman/Dozer operator	
COAL MINER'S CERTIFICATION: S-5972	
OTHER CERTIFICATIONS: Surface Mine Foreman SM-1197-79	
SPOUSE'S NAME: None FAMILY CONTACT NO: (304) 619)-8513
DEPENDENTS: None	
DATE OF ACCIDENT: 19th DAY OF September	_20 <u>08</u> _
AT: <u>3:00</u> O'CLOCK: <u>p.m.</u>	
LOCATION OF ACCIDENT: Right Fork – No. 1 Surface Mine	
CAUSE OF ACCIDENT: While working a steep slope, a dozer operator lost com	rol of
the machine he was operating. This resulted in the dozer rolling down the slope,	
overturning approximately 4-5 times. The operator suffered serious injuries that	
eventually caused his death.	
DATE OF DEATH: 4 th DAY OF October	20 <u>08</u>

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OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East Charleston, West Virginia 25311-2126

No: 15183

NOTICE OF VIOLATION

Company / Operator Alex France	au. Inc.		Contra	otor: Yes No 🗸
Permit Number <u>530/39/A</u>	Mine Name Na.	1 Surface	Mine	
Date of Issue Sept. 19	,20 08 Time	6:00		A.M. ✓ P.M.
Notice is hereby given that the u	undersigned authorized	representative of	the Director of the O	fice of Miners' Health
Safety and Training, upon makir	ng an inspection of this i	mine finds that the	violation referred to	in West Virginia Code
Chapter, Article	, Section	and/	or West Virginia Adm	inistrative Regulation:
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of the Right Fork	rea, and t	he D.bK	at dozer	involvedin
the accident and the	e 325 Cate	xcavator	that was	working in t
Type of Issuance: N.O.V.	Order	<u> </u>	red.	. .
Area or equipment (if order is issued):	ight Fork to	claimati	on slope D	·6R Latdoz
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Region No. 074-0648-2008 Violation No.

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East Charleston, West Virginia 25311-2126

15185 No:

NOTICE OF VIOLATION

Company / Operator Alex Energy Permit Number 5 3013 91 A	ou. Inc.		Contractor: Yes	No 🗸
Permit Number 5 30/3 9/A	Mine Name No	1 Surface M):	
Date of Issue Sept. 29	,20 08 Time	7:00	A.1	
Notice is hereby given that the				
Safety and Training, upon mak	ing an inspection of this i	mine finds that the viola	tion referred to in West V	/irginia Code,
Chapter, Article	, Section	and/or We	st Virginia Administrative	Regulation:
Title 56 , Series 3	_, Section <i>l.3.]a</i>	exists as fo	illows: Investigatio	nofan
accident that occurred at	the Right Fork re	claimation area	of the mine rev	ealed the
outer slape of the spoil m				
control of the equipment (unassisted) being	used. The spoil	material consist	ed of dru.
loose dirt mixed with large	e rocks which who	en placed in a st	en anale of repo	se made
maintaining control of the a	lozer being used z	to orade materia	difficult and ha	zerdous.
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(56.3.4.1, 56.2.14.2m) to assist				
(56-3-42.10a) Instability of &	he soul material	on the steen slo	on allowed the of	brev to to.
sideways, overturn, and roll	4 times to the h	attem of the oran	le. The dozes of	erster
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The foregoing violation was totally abated				
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Authorized Representative: 17;ke				· .
REVIEW: In accordance with Section 22A-	1-17 of the Code, an opera	tor 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.
	VIOLATION ASSESSM	FNT EVALUATION		
	770171110147100110011			
S and S Violation:	Recommend S	Special Assessment:	\geq	
Likelihood of Occurrence: Unlikely: *(0)) Reasonably lil	cely (10)	Occurred (20)	
Severity of Injury Expected: None: *(0)				
Permanently disabling (15)	 Fatal (20)		(
* If these are checked in each category, d				
No. of Persons Potentially Affected: 0			60(8) 0+(10)
Negligence: None (0) Low (10)	Moderate (15)	Hiah (20)	9+(10)
Knowing Violation: No Yes	Repeat			
Good Faith in Abatement: Lack of good No compliance (extenuating circumsta	faith (+15%)			
No compliance (extenuating circumsta	ınces) (0%)	Extra effort (-	15%)	_

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Region <u>4</u>
No. <u>074 · 0650 - 2008</u>
Violation No.

MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East Charleston, West Virginia 25311-2126

Post Rep of Mines

No: 15184	NOTICE OF	VIOLATION	
Company / Operator Alex	x Energy, Inc.		Contractor: Yes No ✓
Permit Number 5 30139	Mine Name A/	15. for Min	Contractor. TesNo
Date of Issue Sept. 29	Mine Name 1/6. ,20 08 Time	7:00	A.M. P.M.
Notice is hereby giver	n that the undersigned authorized	representative of the Direct	tor of the Office of Miners' Health,
Safety and Training, u	upon making an inspection of this	mine finds that the violation	referred to in West Virginia Code,
Cnapter, Ar	ticle, Section	and/or West V	/irginia Administrative Regulation:
itle, Series_		exists as follow	NS: The mine operator
HIEX ERETAY, Inc., C	could not provide acc	urate informati	on on an independent
COntractor pertorn	ning water drainage i	projects backfil	Varadina slage work
and other normal	reclaimation duties	sat the surface	mine. The independence
dent contractor,	isted as Battle Cre	ek" on the mine	operator's register
list, had not regist	ered with the Office	of Miners Healt	h Safety and Tesining
and therefore had i	not received a cont	tactor identifica	tion number The
Contractor identit	ication number 25	wellas the busines	ss address business
telephone, and gene	ral description of the	work to be perform	red were not included
as required, on the n	une operators regis:	ter for independe	at contractors. The
Type of Issuance: N.O.V.	X Order min	e aperator bungis	sing of the required inf
Area or equipment (if order is iss	sued):ztio	n for independent c	ontractors, allowed a
	Cont	FACTOY IMPEROCAL, UN	ork on mine property (2)-20-
The foregoing violation shall be t	totally abated by	B:00 a.m p.m. c	on <u>9-29</u> 20 <u>08</u> 20
The foregoing violation was total	lly abated by	a.m p.m. c	on20
	on:		
Company / Operator Agent Serv	ed: Jonah Pritt		···
Authorized D.	20.1		
Authorized Representative:	Like Armentrout	Ins	spector No. <u>074</u>
of the Office of Miners' Health. Sa	itety and Training for review of this	ator or any representative of t	the miners may apply to the Director rty (30) days from the issued date.
The independent contract	tor "Battle Creek" has bee	n working at this mi	ne for more than 2 years.
	VIOLATION ASSESSI	MENT EVALUATION	To More Chan L years.
S and S Violation:			7
,		Special Assessment:	
Likelihood of Occurrence: Unlii	kely: *(0) Reasonably li	kely (10) Occu	ırred (20)
Severity of Injury Expected: No	one: *(0) No lost work da	ays *(6)Lost	or restricted days (11)
Permanently disabling (1	[5] Fatal (20)		
* If these are checked in each car	· · · · · · · · · · · · · · · · · · ·		
No. of Persons Potentially Affe	tegory, do not go further unless a ected: 0 (0) 1 (1) 2 (2)	knowing violation. 3 (4) 4-5 (6)	6-9 (8) 9+ (10)
No. of Persons Potentially Affe Negligence: None (0)	tegory, do not go further unless a ected: 0 (0) 1 (1) 2 (2) Low (10) Moderate (15)	knowing violation3 (4)4-5 (6)	6-9 (8)9+ (10)
No. of Persons Potentially Affe Negligence: None (0) Knowing Violation: No	tegory, do not go further unless a ected: 0 (0) 1 (1) 2 (2)	knowing violation. 3 (4)4-5 (6) High (20)	6-9 (8)9+ (10)

No compliance (extenuating circumstances) (0%) _____ Extra effort (-15%) _____

IF-O18 Revised 1-08

Violation No._

Region _

STATE OF WEST VIRGINIA

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MINERS' HEALTH, SAFETY AND TRAINING 1615 Washington Street East Charleston, West Virginia 25311-2126

Rep of Mines

15192 No:

No. 074-0649-2008

NOTICE OF VIOLATION

Company / Operator //) ///				
	Corporation		Contract	or: Yes No
Permit Number	Mine Name <i>A)</i>	ex Energy Inc	1. No. 1 Surfa	ce Mine
Permit Number <u>C · 7881</u> Date of Issue <u>October 2</u>	.20 @8 Time	4:0	00	A.MP.M.
Notice is hereby given that				
Safety and Training, upon i	making an inspection of thi	s mine finds that the	violation referred to i	n West Virginia Code
Chapter_ <i>22月</i> , Article_	, Section	3e and/o	or West Virginia Admii	nistrative Regulation:
Title, Series	, Section	exists	as follows: The in	dependant con
ractor did not apply for	r (obtain) a certi	ficate of app	roual prior to	commencina
perations at the mine	. According to 52	tatements fro	om the mine a	perator's office
and Jamie Woods, an of	Ficer for AJM Co	rporation th	eindependan	tcontractor h
reen employed to perfor				
wo (2) years. The inde	pendant contract	torwas doing	business at	the mine uno
he trade name of AUI	7/Battle Creek.	During this &	ime the inder	pendant contr
or had not properly re	aistered with the	o Office of 1	Viners' Health	Safety and
raining nor applied to	r (received) a C	ertificate o	faporoval to	perform duti
at mines in West Vir	ainia.			7
vpe of Issuance: N.O.V.	Order	Y		
rea or equipment (if order is issued):	AUM Corn shall of	the permitt	ed to perform	Julian andill
ine property until propi	erly real stated so	da contifican	e of zontouz	E LESUEN
ne foregoing violation shall be totally	abated by	a.m	p.m. on	20
ne foregoing violation was totally aba	ated by	a.m	p.m. on	20
ction taken to abate the violation:				
	_			
ompany / Operator Agent Served:	Samie Woods			
ompany / Operator Agent Served:			In a contract N	Omil
company / Operator Agent Served:uthorized Representative:	y M. Armentro			
ompany / Operator Agent Served: uthorized Representative:	M. Firmentro 2A-1-17 of the Code, an ope	rator or any represen	tative of the miners m	ay apply to the Directo
ompany / Operator Agent Served:	M. Frmentro 2A-1-17 of the Code, an ope	rator or any represen	tative of the miners m	ay apply to the Directo
ompany / Operator Agent Served: uthorized Representative:	M. Frmentro 2A-1-17 of the Code, an ope	rator or any represen is notice of violation v	tative of the miners m within thirty (30) days	ay apply to the Directo
ompany / Operator Agent Served:	ZA-1-17 of the Code, an ope nd Training for review of thi	rator or any represents notice of violation v	tative of the miners m within thirty (30) days t	ay apply to the Directo
ompany / Operator Agent Served:	ZA-1-17 of the Code, an ope nd Training for review of thi	rator or any represen is notice of violation v	tative of the miners m within thirty (30) days t	ay apply to the Directo
ompany / Operator Agent Served:	ZA-1-17 of the Code, an ope and Training for review of thi VIOLATION ASSESS	rator or any represents notice of violation vi	tative of the miners m within thirty (30) days in N nt:	ay apply to the Directorion the issued date.
ompany / Operator Agent Served:	2A-1-17 of the Code, an ope nd Training for review of thi VIOLATION ASSESS Recommend *(0) Reasonably	rator or any represents notice of violation vi	tative of the miners m within thirty (30) days N nt: Occurred (20)	ay apply to the Directoron the issued date.
ompany / Operator Agent Served:	ZA-1-17 of the Code, an ope nd Training for review of this VIOLATION ASSESS Recommend *(0) Reasonably (0) No lost work of this commendation is a second to the code, and open and open are commendation is a second to the code, and open are commendation is a second to the code, and open are commendation is a second to the code, and open are commendation is a second to the code, and open are commendation is a second to the code, and open are commendation is a second to the code, and open are commendation is a second to the code, and th	rator or any represents notice of violation vi	tative of the miners m within thirty (30) days N nt: Occurred (20)	ay apply to the Director
ompany / Operator Agent Served:	ZA-1-17 of the Code, an ope and Training for review of this VIOLATION ASSESS Recommend *(0) Reasonably (0) No lost work of this properties of the commendation of the code, and open and the code, and the c	rator or any represents notice of violation vi	tative of the miners m within thirty (30) days N nt: Occurred (20)	ay apply to the Director
uthorized Representative:	A-1-17 of the Code, an ope of the Code, and an ope of the	rator or any represents notice of violation violation violation violation violation violation violation violation.	tative of the miners m within thirty (30) days to N nt: Occurred (20) Lost or restricted	ay apply to the Directorom the issued date.
uthorized Representative:	#(0) No lost work of Fatal (20) y, do not go further unless at 10 (20) 1 (1) 2 (2	rator or any represents notice of violation violation violation violation violation violation violation violation.	tative of the miners mediation thirty (30) days in thirty (30) days in the miners mediate in the miners mediat	ay apply to the Directorom the issued date.
ompany / Operator Agent Served:	# Comment of the Code, an ope of the Code, and ope of the Code, an ope of the Code, and	rator or any represents notice of violation violation violation violation violation violation violation violation violation.	tative of the miners mediation thirty (30) days in thirty (30) days in the miners mediate in the miners mediat	ay apply to the Directorom the issued date.

IF-018	
Revised	1-08

STATE OF WEST VIRGINIA

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Rep of Mines

Region <u>4</u> No. <u>074-0651-2008</u> Violation No.____

OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East Charleston, West Virginia 25311-2126

No: 1519	4	NOTICE OF VIOLATION
pany / Operator	A.D. M. (propretion

Company / Operator H.). M. Corpor	ation	Contractor	: Yes 📈 No
Permit Number C.7781 Mir	ne Name Alex Energy	Inc.'s No. 1 Sur	Face Mino
Date of Issue October 24,20	08 Time	4:00	A.M P.M.
Notice is hereby given that the undersign			
Safety and Training, upon making an ins			
Chapter, Article,S	ection a	and/or West Virginia Adminis	strative Regulation:
Title 56, Series 8, Section	<i>5./</i> e	exists as follows: The inde	pendant con.
tractor did not submit a comp	cehensive mine 5	estetu program to	the 11).16
Office of Miners' Health, Safe	tu and Training for	or Zootoval Oriot	to commence
ment of performing reclamat	ion projects at A	lax Francy Too's	No. 1 Sept 700
Mine. The mine operator's re	cords indicate a	the independent	contract-
been employed to perform various	realzesties del	in Thompson	CONTRACTOR DE
past two (2) years. During this	time AIM Com	J. J	ce mine ror n
undo the took areas A miles	2-11/ C. 1. 1	I I I I I	Loing Dusiness
under the trade pame AUM/E	attle Creek. The Ir.	dependant contr	actor has not
possessed an approved comp	rebensive safet	y program while	performing
reclamation at the mine ou	ting the past t	wo years	-
Type of Issuance: N.O.V.	Order		
Area or equipment (if order is issued):			
The foregoing violation shall be totally abated by	8:00 a.m.	p.m. on	· 27 20 <u>08</u>
The foregoing violation was totally abated by			
Action taken to abate the violation:			
Company / Operator Agent Served: <u> </u>	Doods		
Authorized Representative: Henry M.	R 1	In	\ ~*! !
REVIEW: In accordance with Section 22A-1-17 of the	Code an energton or any room	Inspector No	onelista the Disease
of the Office of Miners' Health, Safety and Training for	r review of this notice of violat	esentative of the miners may tion within thirty (30) days fro	apply to the Director
, ,	The state of the s	aon main and (oo) days no	in arc issued date.
VIOLATI	ON ASSESSMENT EVALUA	ATION	
and the second s	Recommend Special Asses		
ikelihood of Occurrence: Unlikely: *(0)	Reasonably likely (10)	Occurred (20)	
Severity of Injury Expected: None: *(0)	No lost work days *(6)/	Lost or restricted da	ays (11)
Permanently disabling (15) Fa	tal (20)		
If these are checked in each category, do not go fu	rther unless a knowing violati	on.	
lo. of Persons Potentially Affected: 0 (0)1			9+ (10)
legligence: None (0)	Moderate (15) High	(20)	(10)
Inowing Violation: No Yes Rep	eat	· /	
Good Faith in Abatement: Lack of good faith (+15	%)		
o compliance (extenuating circumstances) (0%) Evtr	a effort (-15%)	

IF-O18 Revised 1-08

Region _____

STATE OF WEST VIRGINIA

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Rep of Mines

MINERS' HEALTH, SAFETY AND TRAINING

No. <u>074-0651-2008</u> Violation No. 1615 Washington Street East Charleston, West Virginia 25311-2126

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No:	5195		NOTICE O	F VIOLATIO	ON			
	. 0	$m \circ a$	-				ر ب	
	erator <u> A. J</u>	.17. Col	potation		·			
Permit Number	<u>C.788</u>	/	Mine Name_ <i>All</i>	ex Energy	Lnc.'s No.	1 Surfac	<u>. Miac</u>	<u> </u>
Date of Issue_	October	27	_,20 <i>08</i> Time		12:30		A.M. 🛶	<u> </u>
			dersigned authorize	· ·				
			an inspection of thi				•	
			, Section					
			Section 4				,	_
			t a mine acc					
that oc	curred c	n 9.19.	08 at Alex	Energy	Inc.'s N	p. 1 Surfi	TOE No	Pine.
			poration Ja					
			dacopy fi					
con or	records	f the re	port coulo	1 bo for	76 10	00:40-1	h. Hh	0/1/3/
050	S M.	1 11-11	2,528ety, 2		- '-	CEIDEAL	34 111	-, w.y.
ZFIICE O		f (Cd.)	a, variy, a,	1/12 11-411	21129.			
								
				.				
* *	ce: N.O.V.	,	Order					
Area or equipm	ent (if order is is	sued):						
					-			
The foregoing v	riolation shall be	totally abated	d by	a.n	n. <i>[:00</i> p.m. o	n	<u>27</u>	_20 <i>_08</i>
The foregoing v	riolation was tota	lly abated by		a.r	n. <i>[:00</i> p.m. o	n <u>/0</u> -	27	<u> 20 عک</u>
			Ficial of M					
tolomor	and ancid	ent re	port faxed	I do the	Romania W	TO TOTAL OF	copy	OI &
-					Neguon F	01 1166 .		
Jompany / Ope	erator Agent Sen	/ed:_ <i></i>	pichloods					
Authorized Ren	resentative:	Your 1	22 Dames	fourt	lns	nactor No.	711	
			of the Code, an ope					ne Directo
			ning for review of th					
	,		· ·			y (==, ==g= 110		
		V	IOLATION ASSESS	SMENT EVAL	UATION			

VIOLATION ASSESSMENT EVALUATION
S and S Violation: Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20)
Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11)
Permanently disabling (15) Fatal (20)
* If these are checked in each category, do not go further unless a knowing violation.
No. of Persons Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)
Negligence: None (0) Low (10) Moderate (15) High (20)
Knowing Violation: No Yes Repeat
Good Faith in Abatement: Lack of good faith (+15%)
No compliance (extenuating circumstances) (0%) Extra effort (-15%)