

Appendix 5.A

List of Notices of Violations

Pinabete Permit Application Package

Appendix 5.A List of Notices of Violations

Pinabete ~~Mine Plan~~ Permit Number NM-XXXXX¹ – Violation Notices

MSHA Number 29-00097

Date of Violation	Violation Number	Description of Violation	Appeal Status	Mine or Person Served	Issuing Regulatory Authority	Status of Violation	Date of Termination
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There are no outstanding or recent violations for the Pinabete ~~Mine Plan~~ permit.

¹ ~~BHP Navajo Coal~~ Navajo Transitional Energy Company has not been issued an Office of Surface Mining Reclamation and Enforcement (OSM) permit number for the Pinabete ~~Mine Plan~~ Permit Application Package. Once this permit number has been obtained, this appendix will be updated accordingly.

Navajo Mine Permit Number NM-0003F – Violation Notices

MSHA Number 29-00097

Date of Violation	Violation Number	Description of Violation	Appeal Status	Mine or Person Served	Issuing Regulatory Authority	Status of Violation	Date of Termination
3/19/09	C09-020-352-001	Failure to prevent flyrock from traveling beyond permit areas.	Not Appealed	Kent Applegate	OSMRE	Terminated	3/27/09
8/20/09	09-020-082-001	Failure to conduct surface coal mining and reclamation operations as described in permit (construction of Cottonwood Crossing)	Not Appealed	Collette Brown	OSMRE	Terminated	9/18/09
9/18/09	09-020-190-002	Failure to comply with the terms and conditions of the approved permit, specifically, failure to comply with the requirements of the approved plan for the Chinde Diversion.	Not Appealed	Tim Ramsey	OSMRE	Terminated	1/20/10
02/23/10	10-020-190-01	Failure to comply with terms and conditions of the approved permit; specifically, failure to route discharge from pond 5 at the north	Not Appealed	Tim Ramsey	OSMRE	Terminated	3/2/10

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Date of Violation	Violation Number	Description of Violation	Appeal Status	Mine or Person Served	Issuing Regulatory Authority	Status of Violation	Date of Termination
		facilities through pond 1 as required by the approved permit.					
5/14/10	CO10-020-190-10	Failure to prevent flyrock from traveling beyond the permit boundary	Not Appealed	Tim Ramsey	OSMRE	Terminated	5/21/10
11/4/10	10-020-82-001	The permittee failed to conduct all surface coal mining and reclamation operations only as described in the approved application (Blasting in Area 4 North)	Not Appealed	Tim Ramsey	OSMRE	Terminated	11/04/10
11/18/10	10-020-190-04	Failure to conduct all surface coal mining and reclamation operations only as described in the approved permit (Blasting in Dixon Pit). The violation referred to Job: 63DX6B-7, detonated 10/18/10; and Job: 63DX8A-8, detonated 9/14/10.	Not Appealed	Tim Ramsey	OSMRE	Not Applicable	Not Applicable
3/21/11	11-020-157-002	Failure to conduct all surface coal mining and reclamation operations only as described in the approved permit (failure to report the correct stemming material)	Application of Review Filed	Tim Ramsey	OSMRE	Not Applicable	Not Applicable
6/14/11	11-020-157-003	Failure to conduct all surface coal mining and reclamation operations only as described in the approved permit (current procedure for airblast and flyrock control when blasting thin seams (coal). "All Coal under 5 feet is ripped."	Not Appealed	Pat Risner	OSMRE	Not Applicable	Not Applicable
12/15/11	CO11-020-190-01	Failure to prevent fly rock from traveling beyond the permit boundary (Shot 64LW3B-3)	Not Appealed	Pat Risner	OSMRE	Terminated	12/20/2011
4/30/2012	12-020-537-001	The Permittee failed to certify the A4N West Perimeter primary road prior to usage as a primary road for coal haulage.	Not Appealed	Tim Ramsey	OSMRE	Terminated	6/19/12
9/30/2012		Late payment of the AML Fees	Not Appealed	Navajo Mine	OSMRE	Terminated	1/16/14

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