

SECTION 5

COMPLIANCE INFORMATION

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LIST OF REVISIONS DURING PERMIT TERM

REV. NUMBER	REVISION DESCRIPTION	DATE APPROVED
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SECTION 5 COMPLIANCE INFORMATION

5.1 Suspended or Revoked Permits and Forfeited Bonds

The BHP Navajo Coal Company (the applicant) or any subsidiary, affiliate, or persons controlled by or under common control with the applicant has not had a federal or state coal mining permit suspended or revoked nor has forfeited a performance bond or similar security deposited in lieu of bond in the five years preceding the date of submission of this application.

5.2 Violations

[Appendix 5.A](#) lists all violation notices received by the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant in connection with any surface coal mining and reclamation operation during the three-year period preceding the application.

Personnel

Persons or organizations responsible for data collection, analysis, and preparation of this permit application package section:

Kent Applegate
Paul Nazaryk
Matt Owens
BHP Navajo Coal Company

Appendix 5.A

List of Notices of Violations

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 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

Pinabete Permit Application Package

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