

U.S. Department of Labor

NOV 30 2011

Mr. Todd Grounds  
Compliance Manager  
Willow Lake Portal  
Big Ridge Inc  
420 Long Lane Road  
Equality, IL 62934

Mine Safety and Health Administration  
2300 Willow Street, Suite 200  
Vincennes, Indiana 47591-5416



Dear Mr. Grounds:

In accordance with Section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) and 30 CFR Part 104, the Mine Safety and Health Administration (MSHA) conducted a pattern of violation (POV) screening of compliance records for the 12-month period ending September 30, 2011 and of accident and employment records for the 12-month period ending June 30, 2011, for the Willow Lake Portal mine, MSHA ID No. 11-03054. A POV screening is used to determine if Section 104(e) is applicable to a particular mine. If implemented, Section 104(e) requires all subsequent violations designated as Significant and Substantial (S&S) be issued as closure orders with all persons withdrawn from the affected area except those necessary to correct the violation. An operator can be removed from Section 104(e) sanctions only after an inspection of the entire mine results in no significant and substantial violations.

This letter is your notification that a potential pattern of violations exists at the Willow Lake Portal mine. This notification is based upon the initial screening and pattern criteria review, which were conducted in accordance with 30 C.F.R. §§ 104.2 and 104.3. A Pattern of Violation Review report is enclosed. This report details the methodology used for the initial screening and pattern criteria review and summarizes your mine's performance relative to the criteria.

Prior to MSHA implementing Section 104(e) sanctions at the Willow Lake Portal mine, you are provided the opportunity, not to exceed 20 days from the date of this notification, to take any or all of the following steps:

Review all documents upon which the pattern of violations evaluation is based and provide additional mitigating information.

Submit a written request for a conference with me (I shall hold any conference within 10 days of a request).

Provide a written plan to me indicating that you will institute a corrective action program to avoid repeated significant and substantial violations at the operation.

Please note that 30 C.F.R. § 104.4(d) requires that you post a copy of this letter on the mine bulletin board until you are notified of MSHA's final determination with respect to your status pursuant to Section 104(e) of the Mine Act.

Whether or not you implement a corrective action program, MSHA will conduct a complete inspection of the Willow Lake Portal mine. This inspection may start as soon as January 1, 2012. I will analyze the results of this complete inspection and other on-site enforcement activities conducted during the corrective action period to evaluate whether the Willow Lake Portal mine has effectively reduced the occurrence of S&S violations during the review period. Therefore, I encourage you to implement a corrective action program as soon as practicable. If, during the review period, the Willow Lake Portal mine achieves a reduction in the S&S violation frequency rate to a maximum of 4.83<sup>1</sup> S&S violations per 100 inspection hours, the Willow Lake Portal mine will not be issued a pattern of violations notice during this POV review cycle.<sup>2</sup>

If you implement a corrective action program which does not reduce the rate of S&S violations to the levels set forth in the paragraph above, pursuant to 30 C.F.R. § 104.5(b), I will submit an evaluation report to the Administrator for Coal Mine Safety and Health within 120 days from the date of this notification. If you choose not to implement a program to reduce S&S violations, I will submit the report of the evaluation to the Administrator within 60 days from the date of this notification.

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<sup>1</sup> Willow Lake Portal mine was issued 5.11 S&S violations per 100 inspection hours during the 12-month review period. If the Willow Lake Portal mine implements an appropriate corrective action program, the mine must achieve an S&S rate of 4.83 during the evaluation period (i.e., within the top 50th percentile of similar type mines for the 12-month review period). If a corrective action program is not implemented, the mine must achieve an S&S rate of 3.47 during the evaluation period (i.e., within the top 35th percentile of similar type mines). Please see the *Pattern of Violations Procedures Summary* at <http://www.msha.gov/POV/POVProcedures10072010.pdf> for more information.

<sup>2</sup> However, all mines will be considered for potential pattern of violation notices during the next and subsequent review cycles. To ensure the Willow Lake Portal mine is not exhibiting a potential Pattern of Violations when the next evaluation is conducted, the Willow Lake Portal mine should continue to reduce its S&S violation issuances and rate. MSHA is required to conduct evaluations at least annually but can conduct the evaluations more frequently.

In both cases, a copy of the report of evaluation will be provided to you 10 days before the report is sent to the Administrator. You will have 10 days from the receipt of the report to submit written comments to the Administrator.

Within 30 days of receipt of my report to the Administrator, the Administrator will issue a decision as to whether the Willow Lake Portal mine is to be issued a Notice of a Pattern of Violations. A copy of the decision will be provided to you.

If the Administrator decides to issue a Notice of Pattern of Violations, I will issue the Notice of Pattern of Violations to you.

Following issuance of a Notice of Pattern of Violations, I will initiate appropriate inspection activities to ensure that the Willow Lake Portal mine is inspected in its entirety during the following 90-day time frame and each succeeding inspection cycle until the Pattern of Violation order is terminated.

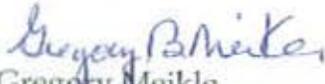
If upon any inspection after the issuance of the Pattern of Violations Notice an authorized representative finds any violation of a mandatory health or safety standard which could significantly and substantially contribute to the cause and effect of a safety or health hazard, the inspector shall issue an order requiring the withdrawal of all persons in the area affected by the violation except those persons listed in 104(c) of the Mine Act. All persons, except as listed in 104(c) of the Mine Act, shall also be prohibited from entering that area until the inspector determines that such violation has been abated.

Termination of a Pattern of Violations notice shall occur when an inspection of the entire mine results in no significant and substantial violations or no withdrawal order is issued by MSHA in accordance with section 104(e)(1) of the Act within 90 days of the issuance of the pattern letter.

You may request an inspection of the entire mine or portions of the mine at any time. No advance notice of the inspection shall be provided and MSHA will determine the scope of each inspection. Partial inspections that cumulatively cover the entire operation within the 90-day period will constitute an inspection of the entire operation for the purposes of termination of a Pattern of Violations Notice.

Please contact me at (812) 882-7617 if you have any questions regarding this matter. Additional mitigating information, requests for a conference and/or a written plan to institute a corrective action program should be sent to me at: 2300 Willow Street, Suite 200, Vincennes, IN 47591.

Sincerely,

  
Gregory Meikle  
District Manager  
District 8

Attachments:

Pattern of Violations Screening Criteria - 2011  
Pattern of Violations Procedures Summary  
Screening Criteria Results 11-03054  
Citations and Orders 12 Month Review Report

## Screening Criteria Results for Pattern of Violations

The following criteria are used to perform the initial screening required under 30 CFR §104.2 and 30 CFR §104.3. If the mine meets either Initial Criteria 1 or Initial Criteria 2, the mine will be considered for a PPOV if the Final Order Criteria is also met.

Overall Results
PPOV

Does the mine meet Initial Criteria 1 (30 CFR §104.2) ? - **YES**  
 Does the mine meet Initial Criteria 2 (30 CFR §104.2) ? - **NO**  
 Does the mine meet Final Order Criteria (30 CFR §104.3) ? - **YES**

**District Office:** Vincennes, IN  
**Field Office:** Benton IL  
**Mine ID:** 1103054  
**Mine Status:** Active  
**Mine Name:** Willow Lake Portal  
**Mine Type:** U/G Coal  
**Controller:** Peabody Energy  
**Operator:** Big Ridge Inc

<b>Query Run Date</b>	
Nov-03-2011	
<b>Four QTR Part 50 Data Range</b>	
1st QTR:	20103
4th QTR:	20112
<b>12 Month Enforcement Range</b>	
Start Date:	Oct-01-2010
End Date:	Sep-30-2011

Criteria	Criteria Description	214	Does the Mine Meet the Criteria?
<b>Initial Criteria 1</b>	<b>1</b> At least 50 citations/orders for significant and substantial (S&S) violations issued in the most recent 12 months.	<b>YES</b>	<b>YES</b> This mine meets all four Initial Criteria 1
	<b>2</b> A rate of eight or more S&S citations/orders issued per 100 inspection hours during the most recent 12 months, or <i>214 S&amp;S C/O's were issued during 4184.75 inspection hours.</i> The degree of negligence for at least 25 percent of the S&S citations/orders issued during the most recent 12 months is "high" or "reckless disregard." <i>88 of the 214 S&amp;S C/O's issued were either high or reckless disregard.</i>	<b>NO</b>  <b>YES</b>	
	<b>3</b> At least 0.5 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued per 100 inspection hours during the most recent 12 months. <i>29 elevated C/O's were issued during 4184.75 inspection hours.</i>	<b>YES</b>	
	<b>4</b> The Injury Severity Measure (SM) for the mine is greater than the overall Industry SM for all mines in the same mine type and classification over the most recent 12 months. <i>The mines SM of 1472.89 is the industry SM of 576.59.</i>	<b>YES</b>	
<b>Initial Criteria 2</b>	<b>1</b> At least 100 S&S citations/orders issued in the most recent 12 months. <i>214 S&amp;S C/O's were issued.</i>	<b>YES</b>	<b>NO</b> This mine does not meet both Initial Criteria 2
	<b>2</b> At least 40 elevated citations and orders [under section 104(b); 104(d); 104(g); or 107(a) of the Mine Act] issued during the most recent 12 months. <i>29 elevated C/O's were issued.</i>	<b>NO</b>	
<b>Final Order Criteria</b>	<b>1</b> At least 5 S&S citations/orders of the same standard that became final orders of the commission during the most recent 12 months, or <i>31 C/O's of standard 75.202(a) became final orders.</i>	<b>YES</b>	<b>YES</b> This mine meets at least one of the Final Order Criteria
	<b>2</b> At least 2 S&S unwarrantable failure citations/orders [104(d)] became final orders of the commission during the most recent 12 months. <i>1 unwarrantable failure C/O's became final orders.</i>	<b>NO</b>	

This mine has been identified for a PPOV review before.

MSHA Mine ID: 11-03054

Mine: Willow Lake Portal

Operator: Big Ridge Inc

Controller: Peabody Energy

Mine Status: Active

Mine Status Date: 01/03/2002

Month	Inspector Hours Worked	Calendar Days AR(s) at Mine	Citations and Orders Issued During the 12 Month Review Period							Cumulative		
			Non S&S	S&S	Elevated					S&S C/O's	per 100 Inspection Hours	
					104 (b)	104 (d)	104 (g)	107 (a)	Total		S&S C/O's	Elevated C/O's
Oct 2010	268.75	27	31	35	0	0	0	0	0	53.0%	13.02	0.00
Nov 2010	473.25	23	48	25	1	0	0	0	1	43.2%	8.09	0.13
Dec 2010	270.50	16	32	13	0	1	0	0	1	39.7%	7.21	0.20
Jan 2011	758.00	26	156	39	1	1	0	0	2	29.6%	6.33	0.23
Feb 2011	278.75	20	39	9	0	5	0	0	5	28.3%	5.90	0.44
Mar 2011	193.75	19	18	9	0	0	0	0	0	28.6%	5.80	0.40
Apr 2011	261.50	20	44	16	0	1	0	0	1	28.4%	5.83	0.40
May 2011	449.25	24	69	25	0	14	0	0	14	28.1%	5.79	0.81
Jun 2011	349.25	22	50	12	0	1	0	0	1	27.3%	5.54	0.76
Jul 2011	151.75	13	23	6	0	0	0	0	0	27.0%	5.47	0.72
Aug 2011	302.50	24	43	10	0	2	0	0	2	26.5%	5.30	0.72
Sep 2011	427.50	22	66	15	0	2	0	0	2	25.7%	5.11	0.69
Totals	4,184.75	256	619	214	2	27	0	0	29			

Inspection hours are from the inspectors Weekly Activity in IPAL.

- (1) The inspection time is the sum of the Site Inspection Time.
- (2) Supervisor and Trainee times are not included.
- (4) The following event hours are included in the analysis:

E01	E02	E03	E04
E05	E06	E07	E08
E15	E16	E17	E18
E19	E20	E21	E22
E23	E24	E25	E27
E28	E33		