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**WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY & TRAINING**

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**July 30, 2006**

**Report of a Fatal Accident  
(Contractor)**

**Circle M Enterprises, Inc.  
Rt. 3 Box 197  
Philippi, WV 26416  
Permit No. C-1268**

**Carter Roag Coal Co., Inc.  
HC 58 Box 200  
Mill Creek, WV 26280  
Permit No. L-840**

**Region One – Fairmont Office  
205 Marion Square  
Fairmont, West Virginia 26554  
Brian Mills, Inspector-at-Large**

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**MINE INFORMATION**

COMPANY Carter Roag Coal Co. Inc.

MINE NAME Star Bridge Prep Plant

WV PERMIT L-840

ADDRESS HC 58 Box 200, Mill Creek, WV 26280

COUNTY Randolph County

PERMIT ISSUED November 30, 2004

WORKING STATUS Active

LOCATION Star Bridge, WV

UNION \_\_\_\_\_ NON-UNION X

NO. EMPLOYEES 17 Employees

NO. OF SHIFTS 3 Shifts

DAILY PRODUCTION 6,000 Raw

ANNUAL PRODUCTION TO DATE 1.4 Million Raw

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

WVOMHST INSPECTOR John Collins, Underground Inspector

DATE OF LAST REGULAR INSPECTION April 7, 2006

NOTIFIED BY Mine & Industrial Accident Response System

CMSP – ANNIVERSARY DATE November 29, 2006

CMSP – CONTACT PERSON Don Jones

CONTRACTOR INFORMATION

COMPANY Circle M Enterprises, Inc. Permit No. C-1268

ADDRESS Rt.3 Box 197, Philippi, WV 26416

COUNTY Barbour County

WORKING STATUS Active NON-UNION X

LOCATION Carter Roag Coal Co., Inc. Prep Plant

NO. EMPLOYEES 14 employees (with 8 trucks)

NO. OF SHIFTS 2 - 12 hour shifts

TYPE HAULAGE Truck

WVMHSI INSPECTOR John Meadows, Surface Inspector

DATE OF LAST INSPECTION July 12, 2006

CMSP - ANNIVERSARY DATE July 22, 2007

CMSP - CONTACT PERSON Randall McCauley

## GENERAL INFORMATION

A fatal accident occurred on Sunday, July 30, 2006 at approximately 2:45 p.m. at the Carter Roag, Star Bridge Preparation Plant located near Helvetia in Randolph County. Mr. Jeremy Heckler, age 30, was fatally injured when an explosion occurred while he was welding and / or grinding on the rim of a fully inflated truck tire. Mr. Heckler was employed by Circle M Enterprises, Inc. which had been contracted to haul coal and refuse for Carter Roag Coal Co., Inc. at the time of the accident. Mr. Heckler had been employed by Circle M Enterprises, Inc. for approximately three weeks. The accident occurred in a truck shop located approximately ¼ mile from the preparation plant. The tire had been removed from an International Pay Star 500 dump truck identified as the #18 by Circle M Enterprises, Inc.

## DESCRIPTION OF EVENTS

On Saturday, July 29, 2006, Mr. Heckler had driven the #18 truck from the Circle M Enterprises, Inc. central shop located in Barbour County, to the Star Bridge Preparation Plant in Randolph County. Ms. Caroline Watson, Mr. Heckler's companion, followed the truck to the site in a personal vehicle. Mr. Heckler and Ms. Watson left the plant immediately.

On Sunday, July 30, 2006 at approximately 11:00 a.m., Mr. Heckler, a welder employed by Circle M Enterprises, Inc., C-1268, and Ms. Watson arrived at the Carter Roag Coal Company Inc., Preparation Plant. The two traveled in a personal vehicle to the truck shop, near the coal loadout facility. The shop is owned by Carter Roag Coal Company, Inc. and is used by Circle M Enterprises, Inc. as a truck shop.

When the two arrived at the shop area, Mr. Heckler and Ms. Watson parked the personal vehicle in the shop. Mr. Heckler removed an electric welding machine, a hand held grinder and other hand tools from this vehicle.

Mr. Heckler drove the #18 truck to the front of the shop and removed the left front tire. Mr. Heckler was attempting to re-weld a crack on the rim of the tire and used a hand grinder in the process. Ms. Watson was assisting Mr. Heckler by pouring water and placing wet rags on the tire in an attempt to cool the tire as welding and grinding were being performed. This process continued for a couple of hours.

Ms. Watson entered the passenger door of the personal vehicle to eat lunch. Mr. Heckler continued to weld and grind on the rim of the tire. Approximately (30) thirty minutes passed, Mr. Heckler was using the hand held grinder, when an explosion occurred.

Immediately after the explosion, Ms. Watson began to search for Mr. Heckler. Smoke and dust had filled the air in the truck shop. Ms. Watson began moving materials that had fallen from the damaged roof of the shop. Ms. Watson located Mr. Heckler under some material, near the rear of the personal vehicle. Mr. Heckler showed no sign of life.

Mr Karl Amorusa, an employee of Circle M Enterprises, Inc , was servicing air conditioning systems on other dump trucks that were parked near the shop. Mr Amorusa heard the explosion and immediately entered the shop. Mr Amorusa began removing fallen materials in order to provide access into the area where Mr. Heckler and Ms Watson were located. Mr. Amorusa backed the #30 dump truck out of the adjacent work bay, and parked this truck outside of the shop. Mr. Amorusa drove a personal vehicle to the front gate of the coal cleaning plant and informed Mr. Jerry McClure, security guard for Mountaineer Investigation & Security, C-655, of the accident. Mr. McClure attempted to use the preparation plant office phone, but was unable to contact Emergency Services. He then drove to the Carter Roag Coal Company Inc , 1-A underground mine approximately 2 miles away and contacted the Randolph County/Upshur County EMS at 2:57 p.m. The Randolph County EMS, Pickens Fire Department and the Randolph County Sheriffs Department responded at approximately 3:15 p.m. Ms. Brenda Daley, Randolph County Medical Examiner pronounced Mr. Heckler dead on the scene at 3:20 p.m. on July 30, 2006.

### INVESTIGATION / INTERVIEWS

On July 30, 2006, the following persons were present during an on-site fatal investigation.

John Meadows	Surface Inspector, WV Office of MHS&I
Brian Mills	Inspector-at-Large, WV Office of MHS&I
Terry Farley	Administrator, WV Office of MHS&I
James Dean	Acting Director, WV Office of MHS&I
Ronald Tulanoski	Coal Mine Inspector, MSHA
Ronald Postalwait	Coal Mine Inspector, MSHA
Kenny Kelly	Owner, Kelly Surveying (C-6448)
Kenny Walter	Plant Foreman, Carter Roag Coal Co., Inc.
Robert McAtee	Safety Director, Carter Roag Coal Co., Inc.
Rick McFall	General Manager, Carter Roag Coal Co., Inc.
Donald Jones	Safety Director, Carter Roag Coal Co., Inc.
Paul D Swecker	Truck Boss, Circle M Enterprises, Inc
Randall McCauley	Owner, Circle M Enterprises, Inc.
John A. Burns	Deputy, Randolph County
Blair Pawelezyk	Deputy, Randolph County
Brenda Dailey	Randolph County Medical Examiner
Chuck Dulaney	Pickens Fire Department
Caroline S. Watson	Friend of Mr. Heckler (Interviewed by John Meadows)

On July 31, 2006, the following persons were present during interviews.

John Meadows	Surface Inspector, WV Office of MHS&I
Brian Mills	Inspector-at-Large, WV Office of MHS&I
Terry Farley	Administrator, WV Office of MHS&I
Ronald Tulanoski	Coal Mine Inspector, MSHA
Jerry Vance	Training Specialist, MSHA
Ronald Postalwait	Coal Mine Inspector, MSHA
Donald Jones	Safety Director, Carter Roag Coal Co., Inc.
Robert McAtee	Safety Director, Carter Roag Coal Co., Inc.
Randall McCauley	Owner, Circle M Enterprises, Inc

On July 31, 2006, the following persons were interviewed during a fatal investigation

Jerry McClure	Mountaineer Investigation & Security, Inc
Randall McCauley	Owner, Circle M Enterprises, Inc.
Karl Amorusa	A/C Mechanic, Circle M Enterprises, Inc
Paul D. Swecker	Truck Boss, Circle M Enterprises, Inc.
Rick McFall	General Manager, Carter Roag Coal Co., Inc

On August 8, 2006 at 9:30 a.m., the following persons were present during an interview with Paul D. Sweckler at Carter Roag Coal Co., Inc.

Ronald Tulanoski	Coal Mine Inspector, MSHA
Jerry Vance	Training Specialist, MSHA
Terry Farley	Administrator, WV Office of MHS&I
John Meadows	Surface Inspector, WV Office of MHS&I

On August 8, 2006, at 3:00 p.m., the following persons were present during an interview with Ms. Caroline Watson.

John Meadows	Surface Inspector, WV Office of MHS&I
Jenni Fortney	Family Friend

On August 14, 2006 at 9:00 a.m., the following persons were present during an interview with John Freeman at Carter Roag Coal Co., Inc.

Ronald Tulanoski	Coal Mine Inspector, MSHA
Nelson Blake	Coal Mine Inspector, MSHA
John Meadows	Surface Inspector, WV Office of MHS&I

## INTERVIEWS

### **Informal Interview with Caroline Watson Regarding Fatal at Carter Roag Coal Co., Inc. Circle M Enterprises, Inc. on July 30, 2006**

John Meadows, Surface Inspector, interviewed Ms. Caroline Watson, friend of Mr. Jeremy Heckler, on July 30, 2006, at the Carter Roag Coal Company's Preparation Plant office. Ms. Watson stated that the two arrived at the mine at 11:00 a.m. on July 30, 2006 in her personal car. They immediately traveled to the shop to begin working on the #18 dump truck. Ms. Watson stated that was the only job performed on that day.

Ms. Watson stated that Mr. Heckler was using a grinder and welder to repair a crack on the left front tire rim of the #18 truck. Ms. Watson was pouring water and placing wet rags on the inflated tire as welding and grinding were being performed by Mr. Heckler.

At approximately 3:00 p.m., Ms. Watson entered the car to eat lunch. Ms. Watson stated that Mr. Heckler was using a grinder when the explosion occurred after she entered the car. Ms. Watson searched through the debris and found Mr. Heckler. Ms. Watson believed that he was dead. Mr. Karl Amoruso arrived at the scene immediately after the explosion and summoned help.

### **Informal Interview with Mr. John Freeman Regarding Fatal Accident at Carter Roag Coal Co., Inc. Circle M Enterprises, Inc. on July 30, 2006**

On July 31, 2006 at 10:30 a.m., John Meadows, Surface Inspector, conducted an informal phone interview with John Freeman, regular truck driver of truck #18, that was used to haul refuse from the coal cleaning plant to the refuse area. Mr. Freeman is an employee of Circle M Enterprises, Inc. Mr. Freeman stated that the last day he operated the #18 truck, was approximately on July 5, 2006. At that time, the truck was taken to the main shop in Barbour County to rebuild the engine along with other repairs. Mr. Freeman stated that he was receiving low earnings due to the #18 truck being out of service during that time.

Mr. Freeman spoke with Mr. Randall McCauley on Friday, July 28, 2006 regarding his return to work. Mr. Freeman stated that Mr. McCauley told him that the #18 truck should be operational on Monday, July 31, 2006, that some welding on a rim may be required before the truck was placed back in operation. Mr. McCauley phoned Mr. Freeman late night Sunday, July 30, 2006 telling him not to show up for work on July 31, 2006 due to an accident. Mr. Freeman stated that he would not be interviewed regarding the accident that occurred on July 30, 2006 at Carter Roag Coal Co., Inc.



**NOTE:** On August 7, 2006 at 1:00 p.m., John Meadows, Surface Inspector, spoke with Mr. Freeman on the phone. During the conversation, Mr. Freeman agreed to be interviewed the following day.

On August 9, 2006 at 10:30 a.m., Mr. Freeman phoned Mr. Meadows and stated that he was willing to be interviewed regarding the fatal accident. Mr. Freeman also stated that he was confused/unaware regarding plans to schedule an interview at Carter Roag Coal Company's cleaning plant on August 8, 2006.

The interview with Mr. Freeman was conducted on August 14, 2006 at the Carter Roag Coal Company Inc., preparation plant office.

**Informal Interview with Mr. Randall McCauley  
Regarding Fatal Accident at Carter Roag Coal Co., Inc.  
Circle M Enterprises, Inc. on July 30, 2006**

John Meadows, Surface Inspector, conducted an informal phone interview with Mr. Randall McCauley at 10:00 a.m. on August 9, 2006. Mr. Meadows requested the names, addresses, and phone numbers of Mr. Chris Long, mechanic/welder, and Mr. Rick Sandridge, shop foreman. Both men were employed by Circle M Enterprises, Inc. at the shop in Barbour County. Mr. McCauley stated that he was conducting an investigation of the fatal accident. Mr. McCauley stated that Mr. Chris Long had attempted to weld a crack on the rim of the wheel of the #18 truck on July 29, 2006. During this conversation, it was concluded that the #18 truck was driven from the shop in Barbour County to the shop at the cleaning plant in Randolph County with a cracked rim on the left front tire by Mr. Heckler.

**Informal Interview with Mr. Chris Long  
Regarding Fatal Accident at Carter Roag Coal Co., Inc.  
Circle M Enterprises, Inc. on July 30, 2006**

John Meadows, Surface Inspector, conducted an informal phone interview with Mr. Chris Long at 8:10 a.m. on August 16, 2006. Mr. Long stated that Mr. Randall McCauley directed him to weld an approximate one-half inch crack on the rim of the left, front tire of the #18 refuse truck at 8:00 a.m. on Saturday, August 29, 2006. Mr. Long performed this job assignment at the shop in Barbour County. Mr. Long stated that he had deflated the tire before welding the rim of the tire.

## FINDINGS OF FACTS

1. International Pay Star 500 dump truck, Company #18, Vin # 2HTTGJXIOHC000554, model F-5070, Year 2000.
2. Goodyear tire, tubeless 425/65R22 5, usually inflated with 120 lb. air pressure
3. Welder – Airco, Serial # JF946581, 230 volt, 45.5 amp. was owned by Mr Heckler. Randolph County deputies stated the welder was on when they entered the shop.
4. Grinder – hand held Craftsman, 7.0 amps.
5. The last equipment check list discovered for truck #18 was on July 5, 2006 with “0” defects.
6. Ms. Watson’s vehicle is a 4-door, 1999 Chevy Cavalier, WV license # 7KJ747, vin # 1G1JC5242Y7166833
7. The stinger of the welding lead was discovered separated from the lead line and under Ms. Watson’s vehicle.
8. The # 30 Paystar dump truck was parked inside of the shop at the time of the explosion.
9. John Meadows arrived at the mine at 4:30 p.m. on July 30, 2006. The Randolph County EMS removed Mr Heckler from the mine at 5:15 p.m. on July 30, 2006.
10. Two (2) mounted tires were located in the truck shop that would fit or replace the left, front tire on #18 truck.
11. A 220-volt electrical outlet was installed in the truck shop on July 28, 2006 to accommodate an electric welding machine.
12. Ms. Caroline Watson is not an employee of Carter Roag Coal Co., Inc. or an employee of an independent contractor at the mine.
13. Mr. Jeremy Heckler had approximately (10) ten years experience as a welder, and had a truck driver’s certification issued on June 6, 2006. (Miner certifications are not required at preparation facilities.)
14. The tire was inflated during the welding/grinding process when the accident occurred.

## **FINDINGS OF FACT**

- 15 Mr. Jerry McClure, Mountaineer Investigation and Security, Inc., testified that he observed Mr. Heckler welding/grinding on the rim of the inflated tire prior to the accident
- 16 Mr. Karl Amorusa, Circle M Enterprises, Inc., testified that he had warned Mr Heckler about welding/grinding on the inflated tire prior to the accident.

## **ENFORCEMENT ACTIONS**

During the course of the investigation, six (6) violations were issued. Four (4) violations were issued to Circle M Enterprises, Inc., of which two (2) of the violations (V-1 and V-2, Case No. 065-0793-2006) were contributing violations to the fatal accident. One (1) violation was issued to Carter Roag Coal Company, Inc., and one (1) violation was issued to Mountaineer Investigation & Security, Inc.

## **NOTICE OF VIOLATIONS ISSUED TO CIRCLE M ENTERPRISES, INC.**

V-1 56.3, 26.3

Mr. Jeremy Heckler was fatally injured on July 30, 2006 while attempting to re-weld a crack on the tire rim of the left front tire of the #18 refuse truck. The tire was removed from the truck at the truck shop. The tire was inflated and attached/secured to the rim of the tire at the time of the explosion. Mr. Heckler was using an electric welding machine and an electric hand held grinder while performing this task. A record of Mr. Heckler's instructions of hazards of this job assignment training is not kept.

V-2 56.3, 42.20(b)

Mr. Jeremy Heckler was fatally injured on July 30, 2006 while attempting to re-weld a crack on the tire rim of the left front tire of the #18 refuse truck. The tire was removed from the truck at the truck shop. The tire was inflated and attached/secured to the rim of the tire at the time of the explosion. Mr. Heckler was also using an electric grinder while performing this task. Heat was generated and applied to the rim of the tire by the use of a welder and grinder.

V-3 36-19-4.2

A fatal accident occurred on July 30, 2006 involving Mr. Jeremy Heckler at the Carter Roag Coal Co. Inc., coal cleaning plant. Mr. Heckler was welding and grinding on a rim of an inflated tire when he was fatally injured. The operator did not report the fatal accident within twenty-four (24) hours in writing to the Director of the WV Office of Miners' Health, Safety & Training.

V-4 56-3-34 2(c)

It was revealed through an investigation of a mine fatality that Ms. Caroline Watson, an unauthorized person, was permitted to enter the active working areas of the Carter Roag Coal Company Inc. cleaning plant/shop on July 30, 2006. The site where the fatal accident occurred is being used by Circle M Enterprises, Inc. as a truck shop.

**NOTICE OF VIOLATION ISSUED TO  
CARTER ROAG COAL COMPANY, INC.**

V-1 56-3-34 2(c)

It was revealed through an investigation of a mine fatality that Ms. Caroline Watson, an unauthorized person, was permitted to enter the active working areas of the Carter Roag Coal Company Inc., coal cleaning plant/shop on July 30, 2006. The site where the fatal accident occurred is being used as a truck shop by Circle M Enterprises, Inc. and is owned by Carter Roag Coal Company, Inc.

**NOTICE OF VIOLATION ISSUED TO  
MOUNTAINEER INVESTIGATION & SECURITY, INC.**

V-1 56-3-34.2(c)

It was revealed through an investigation of a mine fatality that Ms. Caroline Watson, an unauthorized person, was permitted to enter the active working areas of the Carter Roag Coal Company, Inc. coal cleaning plant/shop on July 30, 2006. Ms. Watson entered the plant through the main entrance in her personal vehicle.

### **Acknowledgements**

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Circle M Enterprises, Inc., Carter Roag Coal Company, Inc., Kelly Surveying, Randolph County Sheriffs Department, and the Mine Safety and Health Administration.

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John Meadows, Surface Inspector

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Brian Mills, Inspector-at-Large

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Terry Farley, Administrator