

West Virginia Office of Miners' Health, Safety and Training

FEBRUARY 3, 2017

**Report of Fatal Investigation
Loadout / Coal Haulage Accident**

**Stacy Equipment & Repairs Inc., Contractor ID # C00007382
Contractor for
Greenbrier Minerals LLC, Elklick Loadout L00000957**

**Region III
137 Peach Court, Suite 2
Danville, West Virginia 25053
John Kinder, Inspector-at-Large**

TABLE OF CONTENTS

- PHOTO.....
- GENERAL INFORMATION.....3
- DESCRIPTION.....3,4,5
- FINDINGS OF FACT.....6
- CONCLUSION.....7
- ENFORCEMENT ACTION.....7
- RECOMMENDATIONS.....7,8
- ACKNOWLEDGEMENT.....9
- APPENDIX.....10
- MINE FORMATION.....11
- VICTIM INFORMATION.....12
- CONTRACTOR INFORMATION.....13



Report of Investigation
Loadout / Coal Haulage Accident
Stacy Equipment and Repairs, Inc.
Contractor Number C00007382
Contractor for
Greenbrier Minerals, LLC Elklick Loadout
Permit Number L00000957

General Information

This report is based on an investigation conducted in accordance with Chapter 22A Article 1 Section 14 of the Mining Laws of the State of West Virginia.

Franklin L. Vannoy Jr. an employee of Stacy Equipment & Repairs Inc., was injured in a coal haulage accident that occurred at Greenbrier Minerals, LLC Elklick Loadout at 7:25 a.m. on February 3, 2017.

Mr. Vannoy was driving a 2005 Mack Granite Semi tractor and trailer coal truck No. 76 that was utilizing the Elklick Loadout as his destination and dump site. Mr. Vannoy was in the process of dumping a load of coal when the No. 76 truck and trailer began to overturn. Mr. Vannoy sustained injuries when he jumped from the overturning truck. Mr. Vannoy died from complications on February 10, 2017.

The West Virginia Office of Miners' Health, Safety and Training, Region 3 Office, was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 7:50 a.m. on February 3, 2017. A joint investigation with the Mine Safety and Health Administration along with Greenbrier Minerals, LLC and Stacy Equipment and Repairs Inc., was started immediately.

Description

Greenbrier Minerals, LLC Elklick Loadout is located on Rt. 16 Buffalo Creek Road 2.4 miles north of the Lorado WV post office in Logan County, WV. The Elklick Loadout normally operates two ten (10) hour shifts per day six (6) days a week and has thirteen (13) employees. In addition, several independent contractors perform various duties such as coal haulage and maintenance projects at the facility. Stacy Equipment and Repairs Inc., is an independent contractor that normally uses three (3) semi-tractor trailer coal trucks to transport coal from the Greenbrier Minerals, LLC Toney Fork Surface Operation to the Elklick Loadout. Stacy Equipment and Repairs Inc., also uses ten (10) wheel tandem trucks at the Greenbrier Minerals, LLC refuse impoundment with a total of nine (9) employees at Greenbrier Minerals, LLC operations working two (2) shifts hauling coal into the Elklick Loadout and three (3) shifts at the refuse site.

Mr. Vannoy began employment with Stacy Equipment and Repairs Inc., on February 1, 2017. On February 1, 2017, Kenny Mitchell truck foreman performed task training for Mr. Vannoy on three (3) separate semi-tractor trailer coal trucks. A 2005 Mack Granite truck No. 76; Mack Superliner truck No. 77; and Ford LTL 9000 series truck No. 78. Mr. Mitchell stated on February 6, 2017, that he rode several trips with Mr. Vannoy prior to the accident, two with Mr. Mitchell driving and four while Mr. Vannoy was driving. Mr. Mitchell stated that Mr. Vannoy was an experienced driver.

On February 2, 2017, between 5:00 a.m. and 5:30 p.m. Mr. Vannoy was driving a Ford LTL 9000 No. 78 coal truck that went across the scales and was overweight. The scales did not give a printout ticket due to being overweight, so Mr. Vannoy exited the scales to a designated area in order to remove some of the coal from the Ford LTL 9000 truck. Mr. Vannoy backed the Ford LTL 9000 into the designated area to remove the excess coal from the trailer. Joe Daniels, coal foreman noticed Mr. Vannoy raise the Ford LTL 9000 trailer bed to the first stage and the bottom eye of the pin area for the lift jack broke and the coal trailer turned over to the passenger side of the truck / trailer and broke loose from the base of the trailer frame without turning the truck over. Mr. Daniels stated that Mr. Vannoy then relieved Mr. Mitchell from the No. 76 coal truck and hauled one trip before ending his shift on February 2, 2017.

On the morning of February 3, 2017 Mr. Vannoy rode to work with Mr. Mitchell. Mr. Mitchell stated that Mr. Vannoy started his shift shortly before 6:00 a.m. and performed his pre-operational check of the No. 76 coal truck and started the truck to allow it to warm up before proceeding. Mr. Vannoy then got back into Mr. Mitchell's pickup truck and they talked while eating breakfast. Mr. Mitchell told Mr. Vannoy about the de-ice station and told him to treat the bed of the No. 76 coal truck trailer before he loaded with coal. After a period of ten (10) minutes, Mr. Vannoy got into the No. 76 coal truck and proceeded to the Coalburg stock pile area to be loaded. At 6:39 a.m. Mr. Vannoy crossed the scales with a total weight of 108,480 lbs. Roy Jude, LSI truck driver, stated that he followed Mr. Vannoy up to the dump site and observed him make a couple of attempts to position the No. 76 truck in line with the dump site. Mr. Jude radioed Mr. Vannoy to position the No. 76 coal truck in a straight line in order to dump the load of coal. Mr. Jude stated that as Mr. Vannoy began raising the trailer bed, Mr. Vannoy stopped at the second stage, exited his truck and walked to the rear of the trailer and looked around. Mr. Jude stated that Mr. Vannoy got back into the No. 76 coal truck, then continued to raise the trailer. According to Mr. Jude when the trailer lift jack raised to the fourth (4th) stage the trailer bed started to move weaving from side to side. Mr. Jude yelled to Mr. Vannoy on the CB stating "Whoa, Whoa, Whoa". At that time, the No. 76 coal truck began turning over on the passenger side. Mr. Jude stated that Mr. Vannoy then opened the operator's door and jumped out of the truck and onto the concrete pad of the dump area as the truck was in the process of overturning. Mr. Jude then called for help on the CB as well as Cecil Bartram, a water truck driver who was at the dump area.

Mr. Bartram's truck was facing in the opposite direction of Mr. Varney's truck, but he heard Mr. Jude shout to Mr. Vannoy and then observed in his side view mirror Mr. Vannoy sitting on the concrete pad beside the No. 76 coal truck. Mr. Bartram noticed that the driver's side of the truck was 10 to 12 feet off the ground. Mr. Bartram stated that he and Mr. Jude attended to Mr. Vannoy until EMTs arrived at the accident site. James Short, Safety Supervisor (EMT) for Greenbrier Minerals LLC, stated that at approximately 7:30 a.m. he was leaving the Saunders Preparation Plant when he heard Mr. Bartram on the CB calling for help at the Elklick Loadout dump area. Mr. Short stated that as he drove to the Elklick Loadout he could see an overturned semi-tractor trailer coal truck at the dump area. Mr. Short traveled to the site and saw Mr. Vannoy sitting on the concrete pad of the dump area in close proximity to the overturned semi-tractor trailer coal truck. Mr. Short stated that he assessed Mr. Vannoy who was conscious and answering Mr. Short's questions and instructed Mr. Bartram, Mr. Terry Murphy, electrician, and Mr. Shannon Alger, preparation foreman, to construct a box crib under the tractor to stabilize the semi-tractor. The men used a caterpillar 980 endloader to stabilize the overturned truck. Mr. Short stated that within minutes the Buffalo Creek Fire Department arrived at the scene and shortly thereafter LEASA EMS arrived. Mr. Vannoy was transported by ambulance to the Air Evac Helicopter and airlifted to Charleston Area Medical Center, General Division.

Findings of Fact

1. There were no hazards noted for the Greenbrier Minerals, LLC Elklick Loadout in the pre-shift/ on-shift record book for February 3, 2017.
2. The pre-operational check for the 2005 Mack Granite semi-tractor trailer coal truck No. 76 belonging to Stacy Equipment and Repairs Inc. for February 3, 2017 could not be located.
3. No safety defects were noted for the 2005 Mack Granite truck or the 2000 East coal trailer on a pre-operational check dated February 2, 2017 performed by Kenny Mitchell.
4. The coal dump area of the Greenbrier Minerals, LLC Elklick Loadout is approximately 40 foot wide with a concrete base and will accommodate two trucks side by side.
5. Stacy Equipment and Repairs Inc. was utilizing three (3) semi-tractor trailer coal trucks hauling into the Elklick Loadout for the Toney Fork Surface Mine at the time of the accident.
6. Upon investigation, the 2000 East trailer attached to the 2005 Mack Granite truck contained an undetermined amount of coal. This coal remained in the trailer, after it overturned.
7. Upon inspection the dump position of the Power Take Off (PTO) valve of the 2005 Mack Granite was in the raised position.
8. Franklin L. Vannoy Jr. was issued a class 07 Surface Coal Miner Certification on September 9, 2005, and a Surface Mine Foreman Certification on March 22, 2012. Mr. Vannoy also possessed a current class A Commercial Drivers License.
9. Franklin L. Vannoy, Jr. was employed by Stacy Equipment and Repairs Inc. for a total of three days, on the date of the accident as a coal truck driver.
10. The average ambient temperature for the morning of February 3, 2017 at 7:25 a.m. was approximately 30 degrees.
11. The travel distance from the Toney Fork Surface Mine, Coalburg stockpile area to the Elklick Loadout is 7.2 miles and estimated travel on the date of this accident was 32 minutes.
12. A de-ice treatment station was available for use at the Greenbrier Minerals, LLC Toney Fork Surface Mine and upon inspection was found to be fully functional and stocked with de-icing treatment.
13. Based upon testimony by Kenny Mitchell he did not observe Franklin L. Vannoy, Jr. use the de-ice treatment station prior to receiving his load of coal on the morning of February 3, 2017.

Conclusion

On February 3, 2017 at 7:25 a.m. coal haulage was being conducted from the Toney Fork Surface Mine to the Elklick Loadout belonging to Greenbrier Minerals, LLC. Coal was being transported by Independent Contractor Stacy Equipment and Repairs Inc. and other contracting companies. Franklin L. Vannoy Jr., an employee of Stacy Equipment and Repairs Inc., was driving a 2005 Mack Granite Semi-tractor attached to a 2000 East trailer hauling coal from the Toney Fork Surface Mine to the Elklick Loadout. The coal truck he was operating overturned at the dump site while dumping a load of coal. Franklin L. Vannoy, Jr. received injuries when he jumped from the overturning truck. Franklin L. Vannoy Jr. died on February 10, 2017 from complications.

Enforcement Action

A non-assessed control order was issued in accordance with Title 36 Series 19 Section 7.1 of the West Virginia Mining Laws in order to preserve the scene of the accident and to complete an investigation. This control order was issued to Greenbrier Mineral, LLC Elklick Loadout and to Stacy Equipment and Repairs Inc.

Recommendations

In accordance with Title 56 Series 8 Section 9.4 of the West Virginia Mining Rules and Regulations, Modifications to Greenbrier Minerals LLC, Toney Fork Surface Mine, permit number S00503395C, Comprehensive Mine Safety Program shall include.

- Signs instructing all drivers that seatbelts are required at all times.
- Digital thermometer installed on the scale house.
- Signs instructing all drivers that trailer beds must be treated with de-icer for every load when the temperature is 32 degrees or below.
- A Safety Meeting has been conducted with all truck drivers concerning the subjects of this addendum.
- The subject of this addendum will be reviewed with all new truck drivers going forward.

In accordance with Title 56 Series 8 Section 9.4 of the West Virginia Mining Rules and Regulations, Modifications to Greenbrier Minerals LLC, Elklick Loadout, permit number L00000957 Comprehensive Mine Safety Program shall include.

- Signs instructing all drivers that seatbelts are required at all times.
- Sign instructing that all drivers are required to stay in cab while dumping.
- Signs instructing drivers not to dump if red light is on in dumping area.
- A roll over Protection Device has been installed.

- A Safety Meeting has been conducted with all truck drivers concerning the subject of this addendum.
- The subject of this addendum will be reviewed with all new truck drivers going forward.

In accordance with Title 56 Series 8 Section 9.4 of the West Virginia Mining Rules and Regulations, Modifications to Stacy Equipment and Repairs Inc., permit number C00007382, Comprehensive Mine Safety Program shall include.

- Driver is to wear seatbelts at all times.
- Drivers are to stay in the cab at all times while dumping trucks.
- Drivers will follow de-icing procedures at Tony Fork Surface Mine.
- These are addendums to be used while working at Tony Fork Surface Mines and Ellick Loadout.

Acknowledgement

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Greenbrier Mineral LLC, and Stacy Equipment and Repairs Inc., and the Mine Safety and Health Administration.

Appendix

- Mine Information
- Victim Information
- Contractor Information

Mine Information

COMPANY Greenbrier Mineral LLC Elklick LoadoutMINE NAME Elklick LoadoutWV PERMIT L00000957 MSHA MINE ID NUMBER 4604315ADDRESS P.O. Box 446, Man WV 25635COUNTY Logan PHONE NUMBER 304-583-5732DATE PERMIT ISSUED Permit transferred January 2015WORKING STATUS ActiveLOCATION Rt. 16 Buffalo Creek RoadUNION _____ NON-UNION XDAILY PRODUCTION N/A ANNUAL PRODUCTION TO DATE N/ATOTAL EMPLOYEES 13NUMBER OF SHIFTS 2COAL SEAM NAMES(S) AND THICKNESSES N/AACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0 TO DATETYPE OF HAULAGE N/AWVOMHST INSPECTOR Jeff SprattDATE OF LAST INSPECTION February 1, 2017NOTIFIED BY Vergil WilliamsonNOTIFICATION TIME 7:50 am February 3, 2017CMSP ANNIVERSARY DATE April 5, 2017CMSP CONTACT PERSON Vergil Williamson

CONTRACTOR INFORMATION

CONTRACTOR STACY EQUIPMENT AND REPAIRS INC.

MINE GREENBRIER MINERAL LLC, ELKCLICK LOADDOOUT

WV PERMIT NUMBER C00007382

MAILING ADDRESS BOX 424 GILBERT, WV 25621

COUNTY MINGO PHONE NUMBER 304-664-9620

TYPE OF WORK PERFORMED COAL HAULING

WORKING STATUS ACTIVE

LOCATION GREENBRIER MINERAL LLC, TONEY FORK SURFACE MINE TO ELK LICK LOADOUT

UNION _____ NON-UNION X

TOTAL NUMBER OF EMPLOYEES 9 (ON SITE)

NUMBER OF SHIFTS 2

ACCIDENT FREQUENCY 0 LOST TIME ACCIDENTS _____

TYPE OF HAULAGE TRUCKING

WVOMHST INSPECTOR TERRY JUDE

DATE OF LAST INSPECTION Regular: _____ Check: August 23, 2016

NOTIFIED BY VERGIL WILLIAMSON (ELKCLICK LOADOUT SUPERINTENDENT)

TIME OF NOTIFICATION 7:50 A M FEBRUARY 3, 2017

CMSP ANNIVERSARY DATE FEBRUARY 18, 2018

CMSP CONTACT PERSON GAVIN SMITH