April 10, 2002

Fatal Roof Fall Investigation Report
Rockspring Development, Inc.
Camp Creek No. 1 Mine
Permit No. U-25-84

Region Three - Danville Office
425 Lick Creek Road
Danville, West Virginia 25053
Harry Linville, Inspector-at-Large
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GENERAL INFORMATION

A fatal roof fall accident occurred at approximately 10:15 p.m. on April 10, 2002 at the Rockspring Development, Inc., Camp Creek No. 1 Mine. The accident occurred on the no. 3 section where advance mining was being conducted. Brian Stepp, age 33, from Lovely, Ky. was fatally injured by section of mine roof which fell striking him while he was standing by a shuttle car. The section of mine roof fell from the inby side of permanent roof bolts striking Mr. Stepp and pinning him against the shuttle car wheel. Mr. Stepp is believed to have been standing between the last two rows of permanent supports when the fall occurred. The shuttle car had lost power prior to the accident while being loaded by a continuous mining machine operated by Mr. Stepp. Mr. Stepp had a total of nine (9) years mining experience and had worked at this mine for approximately three (3) years.

Richard Boggess, district inspector with the Office of Miners’ Health, Safety and Training’s Danville Office, received notification of the accident from Ed Rudder, safety director for Rockspring Development at approximately 11:45 p.m. on April 10, 2002. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

The last general inspection at this mine was completed on March 14, 2002.

DESCRIPTION

The Rockspring Development, Inc., Camp Creek No. 1 Mine is a slope/shaft mine which produces coal from the Winifrede/Coalburg seam. The mine is located in Wayne County near East Lynn, West Virginia and was permitted to commence operation on January 20, 1995. Three underground working sections are currently in operation, and coal is transported to the surface by a slope conveyor belt. The average mining height ranges from six (6) to ten (10) feet.

The no. 3 section crew under the direction of section foreman, Jack Lovins, entered the mine at their normal starting time of 2:30 p.m. on April 10, 2002. The no. 3 section is a 2 unit super section where nine (9) entries are currently mined. Brian Stepp began mining on the left side of the section at approximately 3:20 p.m. According to section foreman, Jack Lovins, and shuttle car operator, Ray Jude, cut depths had been reduced from the maximum forty (40) foot depth allowed by the approved roof control plan throughout the shift due to questionable roof conditions.

Brian Stepp moved the continuous mining machine to the no. 4 entry at approximately 9:30 p.m. where a crosscut was to be turned to the right. Section foreman Jack Lovins was present at the time, but left the area before mining was started. Mining proceeded in the crosscut until approximately 10:00 p.m. Mr. Stepp had mined the right side of the crosscut to a depth of twenty-five (25) feet, ten (10) inches (depth measured by investigators) and the left side to a depth of twenty-
three (23) feet, three (3) inches (depth measured by investigators). Mr. Stepp had moved to the inby side of the continuous mining machine and was loading a shuttle car operated by Ray Jude. The shuttle car lost power and while Mr. Jude left to check the shuttle car’s circuit breaker, Mr. Stepp apparently moved to the outby side of the shuttle car. Mr. Jude returned to the shuttle car and entered the operator’s deck to attempt to restart the shuttle car. Mr. Jude stated that he was seated in the shuttle car facing the left rib in the no. 4 entry with his back to the crosscut. Mr. Jude stated that Mr. Stepp was standing near the shuttle car to his right within arm’s reach facing the shuttle car. Mr. Stepp had the mining machine’s remote control device on his person at the time. Mr. Jude stated that the roof fell without warning. A section of the falling material struck Mr. Stepp from behind, pinning him in an upright position against the shuttle car wheel. The roof material separated from the roof on the inby side of the last row of permanent supports.

Mr. Jude immediately attempted to move the section of rock and was unable to do so. Mr. Jude then called out to others on the section for assistance. Others arrived very quickly and no less than four men were unable to move the rock by hand. Lifting jacks were brought to the site and used to move the rock in order to free Mr. Stepp. EMT’s Randy Horn and John Brown, along with others, placed Mr. Stepp on a backboard stretcher and transported him to the track on a rubber tired vehicle. According to Mr. Horn and Mr. Brown, Mr. Stepp went into cardiac arrest during the trip to the surface and they performed CPR until Mr. Stepp was transferred to the Wayne Ambulance Service waiting on the surface along with HealthNet.

FINDINGS OF FACT

1. The victim was standing near a shuttle car inby the next to last row of permanent roof supports at the time of the roof fall.

2. According to shuttle car operator Ray Jude, who was sitting in the shuttle car at the time of the accident, the victim was standing with his back to the unsupported roof within arm’s reach of Mr. Jude’s seated position when the roof fall occurred.

3. The roof fall separated from the roof on the inby side of the last row of permanent roof supports.

4. Reflectors required by the approved roof control plan to mark the next to last row of permanent supports were not found at the accident site.

5. The crosscut turn in width measured twenty-eight (28) feet, six (6) inches. The approved roof control plan specifies a maximum turn in width of twenty-six (26) feet.

6. The crosscut measured twenty-five (25) feet, ten (10) inches in depth at its deepest point.

7. The mining height at the accident was approximately ten (10) feet.
8. The section of roof rock which struck the victim measured eight (8) feet, four (4) inches by five (5) feet, five (5) inches and was four (4) inches to sixteen (16) inches thick.

9. According to section foreman, Jack Lovins, and shuttle car operator, Ray Jude, cut depths had been reduced from the forty (40) foot maximum in the places mined prior to the accident during the shift due to questionable roof conditions.

CONCLUSION

The victim was struck from behind by a section of falling roof material and was pinned against a shuttle car as he was standing in the next to last row of permanent roof supports. The roof material separated from the roof on the inby side of the last row of permanent roof supports.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Chapter 22A, Article 2, Section 68 of the West Virginia Code to preserve evidence following the accident.

The Office of Miners' Health, Safety and Training issued seven (7) notices of violation during this investigation. There were three (3) violations that were considered to have contributed to this accident. They are:

Chapter 22A, Article 2, Section 25A: The approved roof control plan was not being complied with on the no. 3 section in that in the no. 4 entry an investigation shows that the mining machine operator did in fact enter the "red zone" area as defined on page 14 of the approved roof control plan.

Chapter 22A, Article 2, Section 25A: An investigation shows that reflective materials did not indicate the next to last row of permanent roof supports in the right crosscut in the no. 4 entry on the no. 3 section.

Chapter 22A, Article 2, Section 25A: The approved roof control plan was not being complied with on the no. 3 section in that in the no. 4 entry the mouth of the right crosscut measured 28.5 feet wide. The approved roof control plan stipulates a maximum width of 26 feet. This was determined during an investigation.

RECOMMENDATIONS

1. All employees were retrained in the provisions of the approved roof control with special emphasis given to requirements pertaining to reflectors, crosscut width and the designated area where mining machine operators shall be positioned.

2. The first cut mined from any crosscut that must be "turned" will be limited to a maximum
depth of 20 feet. The mine’s approved roof control plan will be revised to reflect this change.

ACKNOWLEDGMENT

The Office of Miners’ Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Rockspring Development, Inc. and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:

Terry Farley, Health and Safety Administrator

Harry Linville, Inspector-at-Large

Richard Boggess, District Inspector

Date

5-9-02

5/17/02

5/17/02
APPENDIX

- Mine Information Sheet
- Victim Information Sheet
- Persons Present During Investigation
MINE INFORMATION

COMPANY ____________________________ Rockspring Development, Inc.

MINE NAME __________________________ Camp Creek No. 1

WV PERMIT NO. ________________________ U-25-84

ADDRESS ____________________________ Box 390, East Lynn, West Virginia 25512

COUNTY ______________________________ Wayne

DATE PERMIT ISSUED ____________________ January 20, 1995

WORKING STATUS ______________________ Active

LOCATION _____________________________ East Lynn, West Virginia

UNION ________________________________ NON-UNION __________ X

DAILY PRODUCTION _____________________ 20,000 raw
ANNUAL PRODUCTION TO DATE __________ 1,500,000 raw

TOTAL EMPLOYEES _____________________ 178

NUMBER OF SHIFTS _____________________ 3

COAL SEAM NAME AND THICKNESS ________ Winifred/Coalburg 6 ft. to 10 ft.

ACCIDENT INCIDENT RATE ____________ 3.5 to 4.0
LOST TIME ACCIDENTS _______________ 3

TYPE OF HAULAGE _____________________ Shuttle cars, unihaulers, belt

WVOMHST INSPECTOR __________________ Richard Boggess

DATE OF LAST INSPECTION ______________ March 14, 2002

NOTIFIED BY _________________________ Ed Rudder, Safety Manager

TIME OF NOTIFICATION ________________ 11:45 p.m. on April 10, 2002

CMSP - ANNIVERSARY DATE ____________ February 14, 2003

CMSP - CONTACT PERSON ______________ Ed Rudder
VICTIM INFORMATION

NAME __________ Brian Stepp

ADDRESS __________ Box 505, Lovely, Kentucky 41231

TELEPHONE NO. (606)395-6611 AGE 33 SOCIAL SECURITY NO. _______

TOTAL MINING EXPERIENCE _______ 9 years

EXPERIENCE AT THIS MINE _______ 3 years

AVERAGE NUMBER OF DAYS WORKED PER WEEK _______ 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK _______ 54 PER DAY _______ 9

LENGTH OFhiftS AT THIS MINE _______ 9 hrs. TRAVEL TIME TO/FROM WORK _______ 1 hr.

OCCUPATION AT TIME OF ACCIDENT __________ Mining machine operator

REGULAR OCCUPATION __________ Mining machine operator

COAL MINER’S CERTIFICATION _______ L-12163

OTHER CERTIFICATIONS _______ None known

SPouse’S NAME _______ Bonny Stepp

DEPENDENTS _______ Wife, one child

DATE OF ACCIDENT: _______ 10th _______ DAY OF _______ April _______ 2002 _______ AT _______ 10:15 _______ O’CLOCK _______ p.m.

CAUSE OF ACCIDENT: _______ The victim was struck from behind by a section of falling roof rock and was pinned against a shuttle car.

DATE OF DEATH: _______ 10th _______ DAY OF _______ April _______ 2002
INVESTIGATION

The following persons were present during the onsite investigation conducted on April 11, 2002.

ROCKSPRING DEVELOPMENT, INC.

Randy McMillion  
Randy Hansford  
Nelson Sumpter  
Ed Rudder  
Elmo Ellis  
Bernie Ferrell  
Mark Barton  
Jimmy Hall  
Tim Morgan  

Senior Vice President  
President - Riverton  
President - Rockspring  
Safety Manager  
Mine Foreman  
Miners Representative  
Chief Engineer  
Spad Engineer  
Spad Man

MINE SAFETY AND HEALTH ADMINISTRATION

Roger Richmond  
James Humphrey  
James Beha  
Don Winston  

Accident Investigator  
Accident Investigator  
Accident Investigator  
Roof Control Inspector

OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING

Terry Farley  
Richard Boggess  
Mike Rutledge  

Health and Safety Administrator  
Accident Investigator  
Safety Instructor

INTERVIEWS

The following persons were present during interviews conducted on April 12, 2002.

ROCKSPRING DEVELOPMENT, INC.

Randy McMillion  
Randy Hansford  
Nelson Sumpter  
Ed Rudder  
Chuck Burggraf  
Bernie Ferrell  
Don Stollings*  
Jack Lovins*  

Senior Vice President  
President - Riverton  
President - Rockspring  
Safety Manager  
Director of Safety  
Miners Representative  
Mine Foreman  
Section Foreman
John Brown*  
Ray Jude*  
Randy Horn*  
Danny Stacy*  
R. Henry Moore  
*denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Roger Richmond  
James Humphrey  
James Beha  
William Blevins  

OFFICE OF MINERS’ HEALTH, SAFETY AND TRAINING

Terry Farley  
Harry Linville  
Richard Boggess  

Electrician  
Shuttle Car Operator  
Mining Machine Operator  
Roof Bolter  
Attorney  

Accident Investigator  
Accident Investigator  
Supervisor  

Health and Safety Administrator  
Inspector-at-Large  
Accident Investigator