West Virginia Office of Miners' Health, Safety and Training

September 16, 2007

Fall Fatality
Coalfield Services, Inc.
Permit Number C-1125
Independent Contractor at
Mingo Logan Coal Company
Mountaineer II Mine
Permit Number U-5031-97

Region Three – Danville Office
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FALL FATALITY
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MINGO LOGAN COAL COMPANY
MOUNTAINEER II MINE
PERMIT NUMBER U-5031-97

General Information

Mr. Robert D. Fraley, an employee of Coalfield Services, Inc., was fatally injured on September 16, 2007 at approximately 6:50-7:00 a.m. when he apparently fell down a return airshaft at the Mingo Logan Coal Company, Mountaineer II Mine. Mr. Fraley was 53 years of age and had been employed by Coalfield Services, Inc. since July 1997. He had a total of 33 years of experience working in or about coal mines. He possessed an underground West Virginia coal miners certification, underground mine foreman fireboss certification, electrical certification and 40-Hour and 80-Hour Instructor certifications. Mr. Fraley was employed as electrician, fireboss and laborer. Mr. Fraley received annual refresher training on October 13, 2006.

Coalfield Services, Inc. is an independent contractor, which provides site preparation, construction, and maintenance services. The company initially registered with the Office of Miners’ Health, Safety and Training on December 8, 1994. The company’s corporate headquarters is located in Wytheville, Virginia. Mr. Fraley, along with other Coalfield Services, Inc. employees, Darrell Spencer and Jesse Williams, were utilizing a gasoline powered concrete grinder/shaver to grind/level the platform in the return airshaft fan housing. The work was being done in preparation for the installation of louver doors inside the return airshaft fan housing.

The Mingo Logan Coal Company received an underground mining permit to open the Mountaineer II Mine on September 23, 2004. The mine employs 165 people on three shifts. The mine utilizes a swing shift rotation at eight-week intervals for production employees on the day and evening shifts. Three continuous mining sections were in operation with a longwall scheduled to start in late September 2007. Coal is mined in the Alma seam. The mine utilizes three shafts and one slope. Employees and supplies are transported on a track-mounted hoist and diesel powered track vehicles.

Description

On Saturday, September 15, 2007 Coalfield Services, Inc. employees Robert D. Fraley, Jesse Williams, and supervisor, Darrell Spencer, reported to the Mountaineer II Mine at approximately 11:45 p.m. Coalfield Services, Inc. had been contracted to level the concrete platform located within the fan housing at the return airshaft. The work was scheduled for the midnight shift on September 16, 2007 because the mine fan had to be shut down to allow the work to be done
within the fan housing. Mr. Fraley and Mr. Williams reported to Shawn Grimmett, Mountaineer II Mine midnight shift foreman/ﬁreboss upon arrival.

Since men were still working underground, Mr. Fraley and Mr. Williams waited until all persons were outside, and the fan was shut down at 1:17 a.m. The work then began inside the fan housing with Mr. Fraley operating the gasoline powered concrete grinder/shaver during the first part of the shift. The work proceeded until an alarm on the Solaris multi-gas detector being used sounded early in the shift. Mr. Fraley contacted midnight shift foreman/ﬁreboss, Shawn Grimmett who came to the site and made an examination. Mr. Grimmett stated that Mr. Fraley had told him that he had read 2.0 % methane on his Solaris detector. Mr. Grimmett made an examination at the same location with his detector which indicated 0.2 % methane. Mr. Grimmett returned to the mine ofﬁce to obtain an additional detector and repeated the examination. The second detector obtained by Mr. Grimmett also indicated 0.2 % methane. The work then continued.

Mr. Williams and Mr. Spencer stated that the door to the fan housing was left open throughout the night to allow dust created by the concrete grinder/shaver to exit the structure. Natural ventilation or airflow from the return airshaft would have moved the dust in the direction of the door. Mr. Williams stated that he stood behind Mr. Fraley while he was operating the concrete grinder/shaver to stay out of the ﬂow of the dust. Mr. Williams stated that he remained near a barrier located between him and the actual shaft opening. The barrier consisted of two horizontal one-inch diameter rails connected by three vertical posts installed from wall to wall.

Coalﬁeld Services, Inc. supervisor, Darrell Spencer, left the site at approximately 2:20 a.m. and traveled to Madison to obtain additional gasoline for the concrete grinder/shaver. Mr. Spencer arrived back at the site at approximately 3:15 a.m. Mr. Spencer, Mr. Williams and Mr. Fraley eventually took a break for lunch at approximately 5:10 – 5:15 a.m. They resumed work at approximately 6:00 a.m. with Mr. Williams operating the concrete grinder/shaver.

Mr. Williams continued to operate the concrete grinder/shaver and last saw Mr. Fraley standing behind him by the barrier. Mr. Williams stated that he had last seen Mr. Fraley as he looked to his rear over his shoulder. Mr. Williams stated that approximately ﬁve minutes after he last saw Mr. Fraley he heard a sound and looked to his rear and Mr. Fraley was nowhere to be seen. Mr. Williams then exited the fan housing to locate Mr. Spencer. Based on interviews with various individuals it is estimated that Mr. Williams left the fan house at approximately 7:00 a.m. or within a few minutes thereafter.

Mr. Williams found Mr. Spencer outside the fan housing talking to two men in a pickup truck. The men in the pickup truck were Mountaineer II Mine dayshift foreman, Keith Goins and midnight shift foreman/ﬁreboss, Shawn Grimmett. Mr. Williams asked Mr. Spencer if he had seen Mr. Fraley. Mr. Spencer and Mr. Williams immediately began a search of the area around the fan housing. Mr. Goins and Mr. Grimmett went to the Mac Mine Services ofﬁce, a company that performs outby work underground at the Mountaineer II Mine, where they spoke to Gary Oliver, contract foreman for Mac Mine Services. They then returned to the shaft/fan housing
area around 7:20 to 7:30 a.m. After looking around the area it became apparent that Mr. Fraley was missing so Mr. Goins returned to the mine office to call general mine foreman, Carlos Porter, Jr.

It was then determined that it would be necessary to search the shaft bottom area. The mine fan was re-started at 8:03 a.m. Mr. Grimmett and Steve Bias, dayshift firebosses were sent underground and at approximately 8:20 a.m. Mr. Grimmett called from underground to report that Mr. Fraley’s body had been found.

The recovery efforts were severely complicated by the nature and location of the accident. The body was eventually brought to the surface at 5:35 p.m., on September 16, 2007.

Findings of Fact

1. The accident occurred within the fan housing connected to the mine’s return airshaft. The fan was not in operation.

2. The access door to the fan housing was open to allow dust created by the concrete grinder/shaver to escape. Natural ventilation/airflow from the return airshaft pushed dust out and through the opened door as the work was performed.

3. Dust respirators were being used.

4. A Solaris multi-gas constant monitoring detector was used as the work was performed.

5. A portable electric light tree was used to illuminate the work area.

6. The return airshaft is 20 feet in diameter and tapered approximately 3 feet at the edge. The shaft depth is 336 feet. The shaft is concrete lined.

7. A physical barrier / guardrail had been installed at a point 6.5 feet from the shaft opening at the closest point. The barrier extended from wall to wall. The barrier was constructed with two one inch steel horizontal rails extending from wall to wall. Three vertical steel posts connected the horizontal rails. The bottom horizontal rail measured 25.5 inches from the floor. The distance between the top and bottom rails measured 24 inches.

8. Jesse Williams stated that he looked to his rear while operating the concrete grinder/shaver and last saw the victim standing by the barrier / guardrail.

9. The shaft bottom consists of a stairwell extending from the mine floor up approximately 43 feet to the Cedar Grove coal seam turnout and then extending up approximately 25 feet to the water ring assembly.

10. During the initial telephone call to the West Virginia Office of Homeland Security a representative of the mine operator indicated that the victim may have jumped. Therefore, the OMHST considered it necessary to include the West Virginia State Police
in this investigation. The OMHST has received no information from the state police to suggest that foul play was involved or whether the victim's death was or was not self inflicted.

(Autopsy and toxicology information will be provided when the official reports are released by the state medical examiner's office.)

**Conclusion**

Information gathered by OMHST investigators indicates that the victim for undetermined reasons traveled beyond a physical safety barricade installed to deter access to an open mine airshaft. The victim's body was discovered at the bottom of the mine's return airshaft.

**Enforcement Actions**

An investigative control order was issued to Mingo Logan Coal Company and Coalfield Services, Inc., for the purpose of preservation of evidence and the protection of the health and safety of employees and for the completion of an investigation by the West Virginia Office of Miners' Health, Safety and Training. There were no violations cited that contributed directly to the accident.

**Recommendations**

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**Mingo Logan Coal Company**

**Mountaineer II Mine**

PO Box E

Sharples, WV 25183

Phone 304-369-7500

Mingo Logan Coal Company is committed to the safety of its employees and all persons on its property. Notwithstanding this commitment, on September 16, 2007, at approximately 6:58 a.m., an employee of a contractor fell to his death in a return air shaft at the Mountaineer II mine. The shaft was barricaded.

To prevent a recurrence of this event, Mingo Logan will undertake the following remedial measures, some of which are beyond state and federal safety requirements:

1. Retrain all employees and any contractors working around air shafts at the Mountain Laurel Complex to obey all barricading provisions and never cross over barricades into areas around shafts unless:
   1) Expressly authorized to do so by a Mingo Logan supervisor, and
   2) Appropriate safety precautions are taken.

All employees and contractors will be retrained on these provisions as each shift returns to work.

Greg Dotson

Mine Manager
Appendix

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

COMPANY  Mingo Logan Coal Company

MINE NAME  Mountaineer II Mine

WV PERMIT  U-5031-97  MSHA PERMIT NO. 46-09029

ADDRESS  P. O. Box E, Sharples, WV 25183

COUNTY  Logan  PHONE NO. 304-369-7500

DATE PERMIT ISSUED  09/23/2004

WORKING STATUS  Active

LOCATION  South of Madison on Rt. 17 at Sharples, WV

UNION  X  NON-UNION

DAILY PRODUCTION  10,000 Tons  ANNUAL PRODUCTION TO DATE  1,600,000

TOTAL EMPLOYEES  275

NUMBER OF SHIFTS  3

COAL SEAM NAME AND THICKNESS  Alma

ACCIDENT INCIDENT RATE  2.08  LOST TIME ACCIDENTS  0

TYPE OF HAULAGE  Belt

WVOMHST INSPECTOR  Mike Pauley

DATE OF LAST INSPECTION  09/13/2007

NOTIFIED BY  Keith Goins

NOTIFICATION TIME  Approximately 8:40 a.m.

CMSP – ANNIVERSARY DATE  10/01/2007

CMSP – CONTACT PERSON  Joe Estep
INDEPENDENT CONTRACTOR INFORMATION

CONTRACTOR_____ Coalfield Services, Inc.

MINE NAME_______ Mingo Logan Coal Company, Mountaineer II Mine

WV PERMIT NO__ C00001125

MAILING ADDRESS____ 2942 Peppers Ferry Road, Wytheville, VA 24382

COUNTY_____ Wythe ______ PHONE NUMBER_ 276-228-3167

TYPE OF WORK PERFORMED ___ Preparation, Construction, Maintenance Services

WORKING STATUS___ Active

LOCATION__ Sharpies, WV

UNION________________ NON UNION____ X

TOTAL EMPLOYEES_____ 100

NUMBER OFhifts________ All Shifts

ACCIDENT FREQUENCY RATE__ 1.856__ LOST TIME ACCIDENTS _1

WVOMHST INSPECTOR__ Mike Pauley @ Mingo Logan Coal Company, Mountaineer II Mine

DATE OF LAST INSPECTION 5/17/06 @ Mingo Logan Coal Company, Mountaineer II Mine

CMSP – ANNIVERSARY DATE____ 11/01/2008

CMSP – CONTACT PERSON____ Mike Housman

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Investigation

The following persons were present for the initial onsite investigation conducted on September 16, 2007.

Mingo Logan Coal Company

Dave Runion                 Vice President/General Manager
Carlos Porter, Jr.          General Mine Foreman
Dickie Estep               Manager of Safety
Keith Goins                Shift Foreman
Aaron Price                Safety Tech
Greg Dotson                Mine Manager
Mark Keyser                Electrician
Guy Farley                 Fireboss
Carl Baisden               Director of Mine Training &
                           Energy Technologies

Coalfield Services, Inc.

Larry Porterfield          Supervisor
Michael Houseman           Contract Manager
Darrell Spencer            Foreman
Jesse Williams             Laborer

Mine Safety and Health Administration

Robert G. Hardman          District Manager
Dennis Holbrook            Accident Investigator
Jack Hatfield              Coal Mine Inspector

West Virginia Office of Miners’ Health, Safety and Training

Terry Farley               Administrator
Eugene White               Inspector-at-Large
Steve Cox                  Assistant Inspector-at-Large
John Kinder                Assistant Inspector-at-Large
Mike Pauley                District Inspector
Willie Barker              Safety Instructor

The following persons were present for the onsite investigation conducted September 17, 2007.

Mingo Logan Coal Company

Carlos Porter, Jr.          General Mine Foreman
Chuck Nelson                Engineer
Chris Laney          Engineer

Mine Safety and Health Administration

Dennis Holbrook      Accident Investigator

West Virginia Office of Miners’ Health, Safety and Training

Terry Farley        Administrator
Eugene White        Inspector-at-Large

The following persons were present during the interviews conducted on September 17, 2007.

Mingo Logan Coal Company

Doug Conaway         Arch Coal Company
Dickie Estep        Manager of Safety
Mark Heath          Attorney
Keith Goins*         Shift Foreman
Steve Bias*          Fireboss
Shawn Grimmet*      Fireboss
Carlos Porter, Jr.* General Mine Foreman
Willis Cochran*     Maintenance Foreman

*Denotes persons interviewed

Coalfield Services, Inc.

Larry Porterfield   Supervisor
Michael Houseman    Contract Manager
Darrell Spencer     Foreman

Mine Safety and Health Administration

Dennis Holbrook      Accident Investigator

West Virginia Office of Miners’ Health, Safety and Training

Ronald L. Wooten     Director
Terry Farley         Administrator
Eugene White         Inspector-at-Large
Mike Pauley          District Inspector
The following persons were present during the interviews conducted on September 18, 2007.

Mingo Logan Coal Company

Doug Conaway
Dickie Estep
Mark Heath

Arch Coal Company
Manager of Safety
Attorney

CoalfIELD Services, Inc.

Darrell Spencer*
Jesse Williams*
Jason Wutzman
Robert H, Beatty, Jr.
Larry Porterfield
Michael Houseman

Foreman
Laborer
Dinsmore & Shohl LLP
Dinsmore & Shohl, LLP
Supervisor
Contract Manager

*Denotes persons interviewed

Mine Safety and Health Administration

Dennis Holbrook
Steve Toler

Accident Investigator
Coal Mine Inspector

West Virginia Office of Miners' Health, Safety and Training

Ronald L. Wooten
Terry Farley
Eugene White
Mike Pauley

Director
Administrator
Inspector-at-Large
District Inspector

The following persons were present during the interviews conducted on October 17, 2007.

Mingo Logan Coal Company

Dickie Estep
Mark Heath
Rodney D. Adkins*

Manager of Safety
Attorney
Electrician

*Denotes person interviewed

Mine Safety and Health Administration

James Maynard
Josh McNeely

Accident Investigator
Inspector (Trainee)
Terry Farley
Administrator

John Kinder
Assistant Inspector-at-Large