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West Virginia Office of Miners' Health, Safety and Training

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March 17, 2015

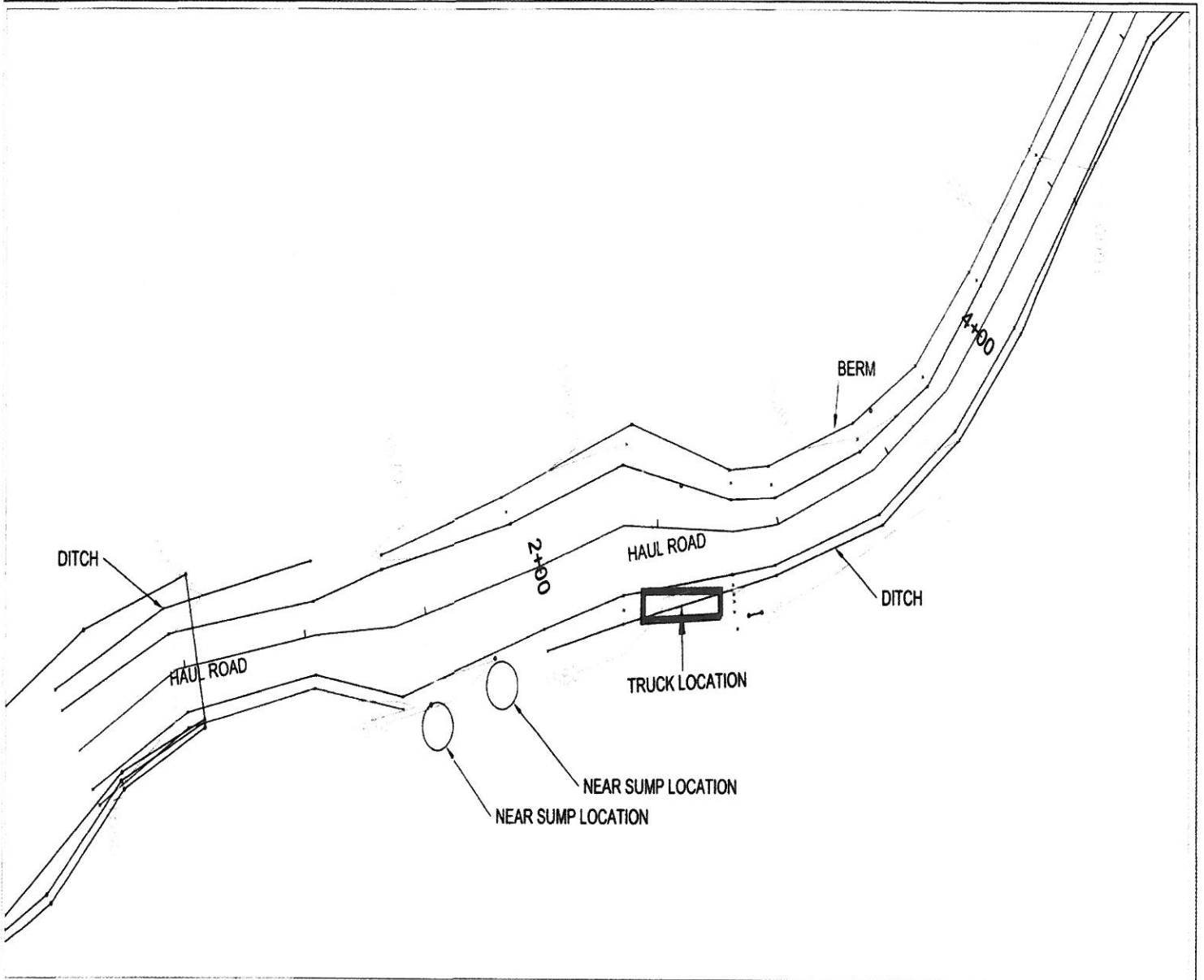
Report of Investigation  
Surface Coal Mine Fatality  
(Haulage Accident)

Rogers Petroleum Services, Inc.  
Contractor ID Number C-00004637  
Contractor for  
Elk Run Coal Company, Inc. dba Republic Energy  
Republic Energy Surface, Permit Number S-3021-95

Region IV Office  
550 Industrial Drive  
Oak Hill, WV 25901  
McKennis P. Browning, Inspector-at-Large


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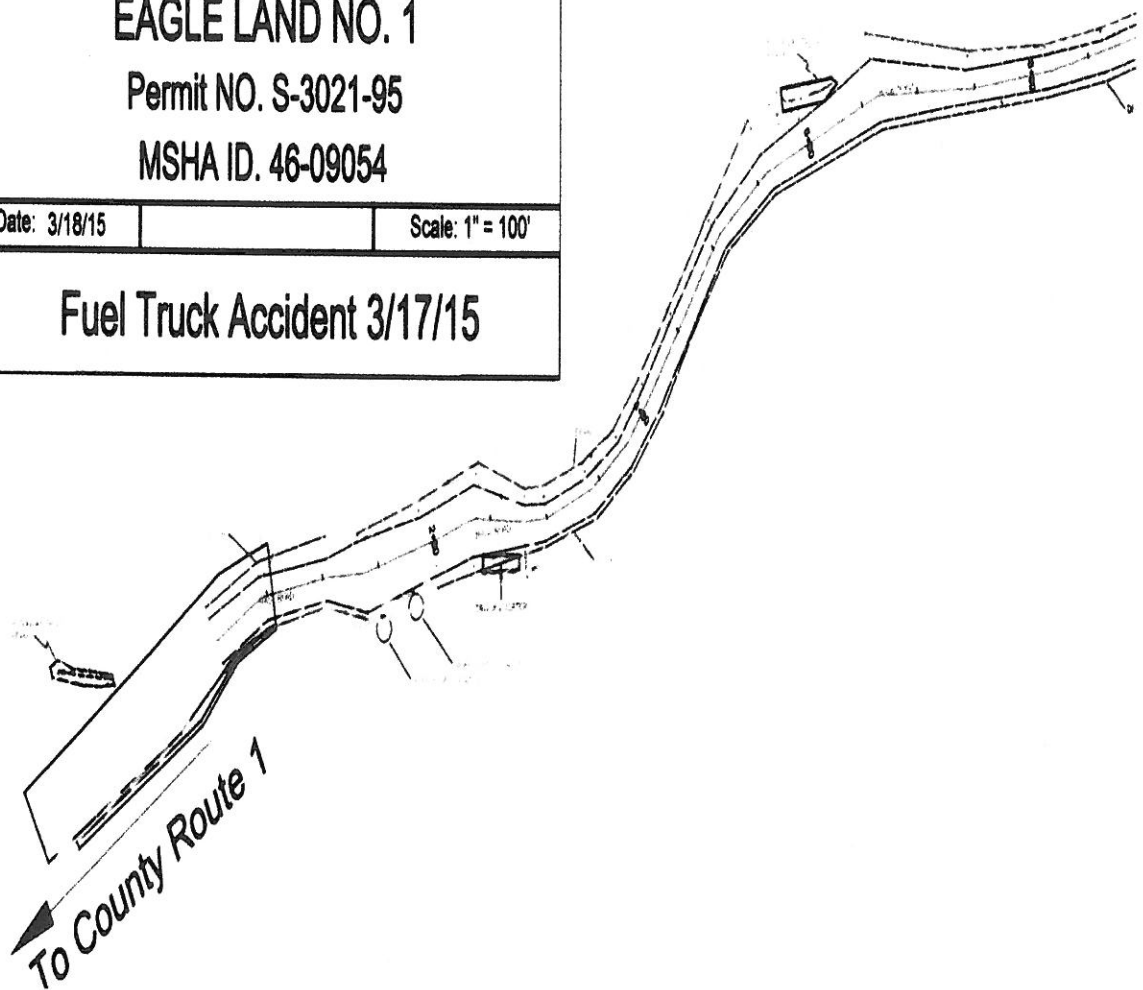
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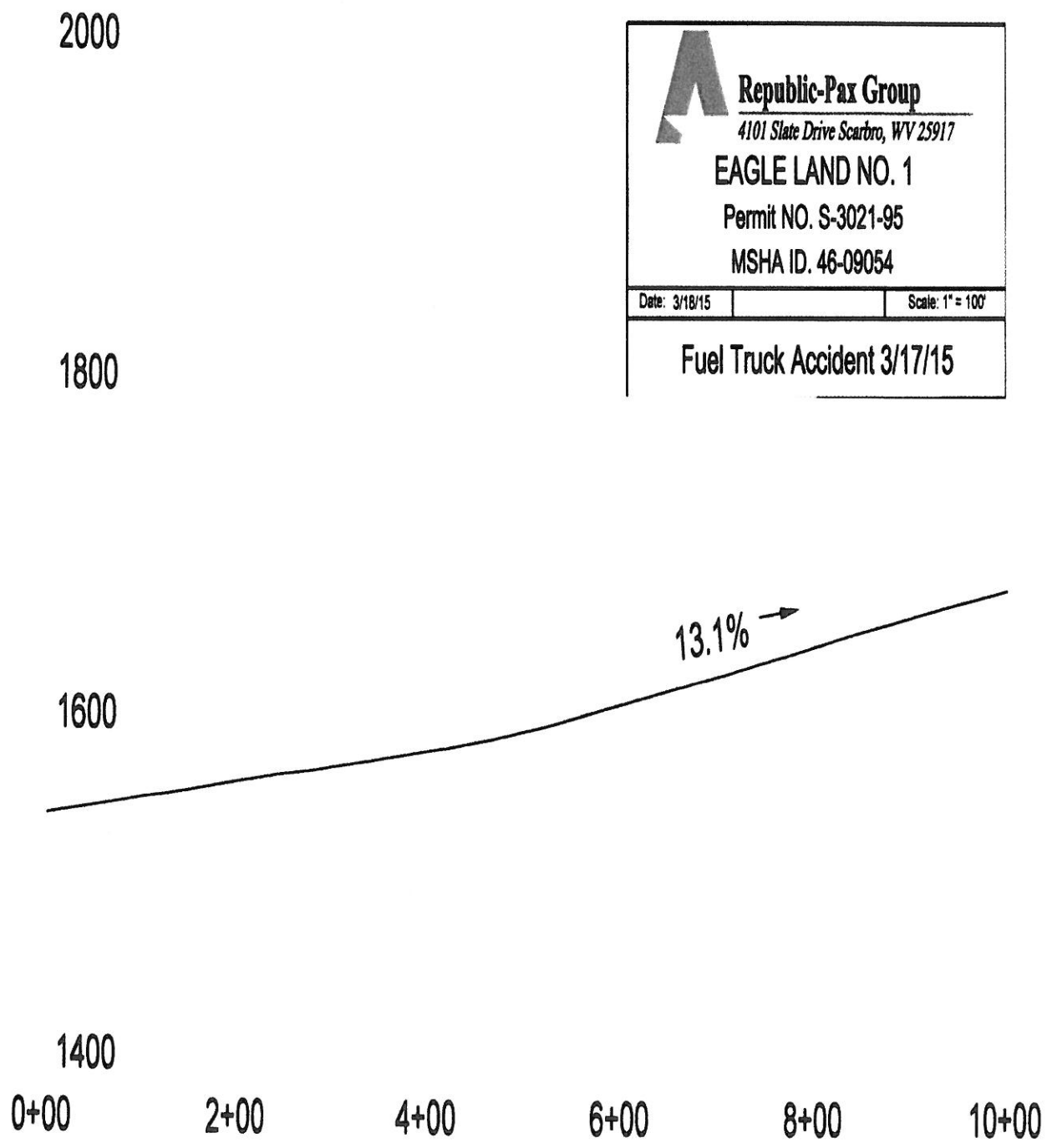
	<b>Republic-Pax Group</b>
	4101 State Drive Scenic, WY 29117
	<b>EAGLE LAND NO. 1</b>
	Permit NO. S-3021-05 MSHA ID. 46-08054
Date: 3/17/15	
<b>Fuel Truck Accident 3/17/15</b>	


# Planametric View

	
<b>Republic-Pax Group</b>	
4101 Slate Drive Scarbro, WV 25917	
<b>EAGLE LAND NO. 1</b>	
Permit NO. S-3021-95	
MSHA ID. 46-09054	
Date: 3/18/15	Scale: 1" = 100'
<b>Fuel Truck Accident 3/17/15</b>	



### Cross-Section View



 <b>Republic-Pax Group</b> <i>4101 Slate Drive Scarbro, WV 25917</i>	
<b>EAGLE LAND NO. 1</b>	
Permit NO. S-3021-95	
MSHA ID. 46-09054	
Date: 3/18/15	Scale: 1" = 100'
<b>Fuel Truck Accident 3/17/15</b>	

**Report of Investigation  
Surface Coal Mine Fatality  
Contractor ID Number C-00004637  
Rogers Petroleum Services, Inc., Contractor for  
Elk Run Coal Company, Inc. dba Republic Energy  
Republic Energy Surface, Permit Number S-3021-95**

## GENERAL INFORMATION

This report is based on an investigation conducted in accordance with Title 56, Series 3, Section 12 of the mining laws of the State of West Virginia.

Von E. Bower, an employee for Rogers Petroleum Services, Inc., was fatally injured in a haulage accident at approximately 3:05 a.m. on March 17, 2015. Mr. Bower was driving the No. 101 Kenworth fueling truck on a downhill portion of the Eagle Land haul road between the #27 and #28 marker signs, when he lost control of the vehicle and it overturned. Mr. Bower died from injuries he sustained during the accident.

The West Virginia Office of Miners' Health, Safety and Training, Region IV office, was notified of the accident by the Mine and Industrial Accident Emergency Operations Center at 3:35 a.m. on March 17, 2015. A joint investigation with the Mine Safety and Health Administration, the management of Elk Run Coal Company, Inc. dba Republic Energy, and Rogers Petroleum Services, Inc. was started immediately.

## DESCRIPTION

The Elk Run Coal Company, Inc. dba Republic Energy, Republic Energy Surface Mine is located near Mossy, and is situated in Fayette, Kanawha and Raleigh counties, West Virginia. The surface mine normally operates two (2) shifts a day and has 120 employees. In addition, several independent contractors are used to perform various duties such as coal haulage, maintenance, blasting and reclamation/drainage control projects at the mine. Rogers Petroleum is one of the independent contractors and normally uses 5 fuel trucks to transport fuel to various areas of the surface mine for the purpose of fueling mobile equipment. Rogers Petroleum operates three (3) shifts; 11:00 p.m. – 7:00 a.m. midnight shift, 7:00 a.m. – 3:00 p.m. day shift, and 3:00 p.m. – 7:00 p.m. evening shift, and utilizes 1 to 2 employees on each shift. The employees normally work an 8 hour shift while performing their duties at the Republic Energy Surface Mine.

The midnight shift for the fuel truck drivers for Rogers Petroleum began normally on March 17, 2015. Von E. Bower began his shift at approximately 11:00 p.m. at the Rogers Petroleum office building. Mr. Bower was driving the No. 101 Kenworth fuel truck which is equipped with a three thousand five hundred (3500) gallon tank. The tank contains baffles which run the length of the tank. Mr. Bower inspected the No. 101 Kenworth fuel truck and no deficiencies were noted on the pre-operational check list. At approximately 1:00 a.m. to 1:30 a.m. Mr. Bower filled his truck up with fellow midnight shift co-worker Mike Coalson. After the trucks were filled with diesel fuel, Mr. Coalson and Mr. Bower went to different areas of the job. Mr. Bower transported fuel to the Bat Ridge and Eagle Land area that night.

When Mr. Bower was exiting the Bat Ridge area, Bobby Nichols, evening shift maintenance foreman for Republic, spoke with him on the radio. Mr. Nichols stated that Mr. Bower did not have any issues or concerns that night and both gentlemen engaged in normal conversation. When the conversation was over, Mr. Bower drove to the Eagle Land area where the next person to talk with him was Jimmy Cooper, a contractor employed by Elite Coal Services, operating equipment at Republic.

Mr. Cooper was operating a rock haul truck that night in the Eagle Land area and was contacted by Mr. Bower on the CB radio at approximately 2:15 a.m. concerning the location of an excavator he was wanting to fuel. Mr. Cooper told him that the excavator was at the bottom of the haul road near the guard shack. Mr. Cooper observed Mr. Bower descending the Eagle Land haul road.

At approximately 2:50 a.m. Mr. Cooper parked his equipment at the parking lot, got into his personal vehicle and left the mines at approximately 2:55 a.m., traveling the Eagle Land haul road to go home. Mr. Cooper discovered the No. 101 Kenworth fuel truck at approximately 3:05 a.m. overturned and laying on its top. Mr. Cooper tried to contact the Eagle Land guard shack by CB radio, but was unable to raise anyone. Mr. Cooper then contacted William Marcum, a mechanic employed by Republic, and notified him of the accident. Mr. Cooper then went back to the fuel truck to check on Mr. Bower. Mr. Cooper stated that Mr. Bower was unresponsive with no pulse. Mr. Cooper then tried to remove Mr. Bower from the truck.

William Marcum, Bobby Nichols, and Scotty Harris, evening shift employees at Republic, arrived to assist Mr. Cooper in removing Mr. Bower from the cab of the fuel truck. Mr. Bower was found lying on his neck in the passenger side of the cab with his legs and feet entangled in the steering wheel. Mr. Marcum's service truck was used to remove the passenger side door of the fuel truck and the men extracted Mr. Bower. Mr. Bower was removed and the men awaited medical assistance. Kanawha Area County EMS arrived at the scene at 4:25 a.m. Mr. Bower was pronounced dead by CAMC Medbase Medical Command physician at 4:38 a.m. and was transported to the Medical Examiner's Office.

## FINDINGS OF FACT

1. On March 17, 2015, it was noted in the evening shift preshift/onshift examination book completed by the Surface Mine Foreman that the Eagle Land haul road was rough.
2. On March 17, 2015, the action taken to correct the hazardous condition was to have a grader blade the road to remove the roughness.
3. The downhill portion of the Eagle Land haulage road between the #27 and #28 road markers had a slope of 13.1%. Witnesses stated that the condition of the haul road at the time of the accident was good.
4. Mr. Bower had a total of at least four (4) years and five (5) months total mining experience all with Rogers Petroleum Services, Inc. Mr. Bower was issued a Surface Miner Apprentice card on 8/26/2010 and received his Surface Miner card on 5/2/2011.
5. The No. 101 Kenworth fuel truck was equipped with a tank that could haul a maximum of three thousand five hundred (3500) gallons of diesel fuel.
6. The approved preoperational safety checklist for the No. 101 Kenworth Fuel Truck completed at 11:00 p.m. showed no defects or deficiencies noted by Mr. Bower prior to the beginning of his shift on March 17, 2015.
7. As part of its investigation, the WV Office of Miners' Health, Safety and Training found that four (4) of the six (6) brake drums on the No. 101 Kenworth fuel truck were worn beyond the manufacturer's wear limits. Additionally, two (2) of the six (6) brake chambers were worn beyond the manufacturer's stroke limit requiring the brakes to be readjusted. Further, the front drag link on the right steering tire had excessive slack/movement and the left side tether strap on the operator's seat was missing.
8. The No. 101 Kenworth fuel truck utilizes an Eaton Fuller 9 speed + LO & LO-LO transmission. After the accident, the transmission was found to be in first gear low range and not in deep reduction.
9. As part of its investigation, the WV Office of Miners' Health, Safety and Training hooked the No. 101 Kenworth fuel truck's air system to an air compressor set for one hundred twenty (120) p.s.i to test for leaks to determine whether the park brake system was functioning properly. Test results revealed that there were no air leaks and the park brake functioned properly.
10. Based upon the statements of Messrs. Cooper, Marcum, Nichols and Harris describing the location and position of Mr. Bower, it appears he was not wearing his seat belt at the time of the accident.



## CONCLUSION

On March 17, 2015, fuel haulage was being conducted on the Eagle Land haulage road by Rogers Petroleum Services, Inc. Von E. Bower, a driver employed by Rogers Petroleum Services, Inc., apparently lost control and overturned the No. 101 Kenworth Fuel Truck between the #27 and #28 road marker signs.

The investigation revealed that the airbrake system on the No. 101 Kenworth fuel truck was not maintained to the manufactures specifications. The victim was not wearing a seat belt at the time of the accident. Von E. Bower died as a result of the injuries he received in the accident.

## ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 56, Series 3, Section 51.1 of the West Virginia Surface Mining Laws in order to preserve the scene of the accident and to complete the investigation. The West Virginia Office of Miners' Health, Safety and Training issued no special assessed violations but did issue six (6) notices of violations to Rogers Petroleum Services, Inc. during this investigation.

## RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Rules and Regulations, modifications have been made to Rogers Petroleum Services, Inc.'s comprehensive mine safety program following the investigation of a fatal accident involving Von E. Bowers that occurred on March 17, 2015. The modifications shall include, but not be limited to, the following:

1. Reflective material shall be put on the shoulder strap of the seat belt to help assure that seat belts are being worn.
2. Two man pre-operational checks shall be conducted and signatures of each person conducting such shall be required.

## ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Rogers Petroleum Services, Inc., Elk Run Coal Company, Inc. dba Republic Energy, West Virginia State Police, and the Mine Safety and Health Administration during this investigation.

## APPENDIX

- Mine Information Sheet
- Contractor Information Sheet
- Victim Information Sheet

## MINE INFORMATION

COMPANY Elk Run Coal Company, Inc. dba Republic Energy

MINE NAME Republic Energy

WV PERMIT S-302195

ADDRESS Rt. 1 Box 77, Scarbro, WV 25917

COUNTY Raleigh

DATE PERMIT ISSUED August 17, 2004 WORKING STATUS Active

LOCATION Near Kingston, WV

UNION \_\_\_\_\_ NON-UNION Yes

DAILY PRODUCTION \_\_\_\_\_ 3210 tons

ANNUAL PRODUCTION TO DATE \_\_\_\_\_ 154,000

TOTAL EMPLOYEES 120 NUMBER OF SHIFTS 2

NAME OF COAL BED Multi Seams (5-Block, Clarion, Coalburg, Chilton, Winifrede

SEAM THICKNESS \_\_\_\_\_ Varies (1 foot to 8 feet)

ACCIDENT INCIDENT RATE \_\_\_\_\_ 0 LOST TIME ACCIDENTS \_\_\_\_\_ 0

TYPE OF HAULAGE Fuel truck

WV OMHST INSPECTOR Victor Shingler

DATE OF LAST INSPECTION \_\_\_\_\_ December 22, 2014

NOTIFIED BY Mine and Industrial Accident Emergency Operations Center

TIME OF NOTIFICATION 3:35 a.m. on March 17, 2015

CMSP – ANNIVERSARY DATE \_\_\_\_\_ August 15, 2016

CMSP – CONTACT PERSON \_\_\_\_\_ Doug Robinson

## CONTRACTOR INFORMATION

CONTRACTOR Rogers Petroleum Services, Inc.

WV PERMIT C-4637 MSHA PERMIT NO. X-1A

MAILING ADDRESS 45 Stamper Lane Pikeville, KY 41502

COUNTY Kanawha PHONE NUMBER (606) 205-9400

TYPE OF WORK PERFORMED Fuel haulage and dispensing

WORKING STATUS Active

LOCATION Near Belle, WV

UNION \_\_\_\_\_ NON-UNION Yes

TOTAL EMPLOYEES 10

NUMBER OF SHIFTS 3

ACCIDENT FREQUENCY RATE 0 LOST TIME ACCIDENTS 0

WVOMHST INSPECTOR Victor Shingler

DATE OF LAST INSPECTION December 17, 2014

CMSP – ANNIVERSARY DATE October 21, 2015

CMSP – CONTACT PERSON Claude Stamper