
West Virginia Office of Miners' Health, Safety and Training

December 4, 2010

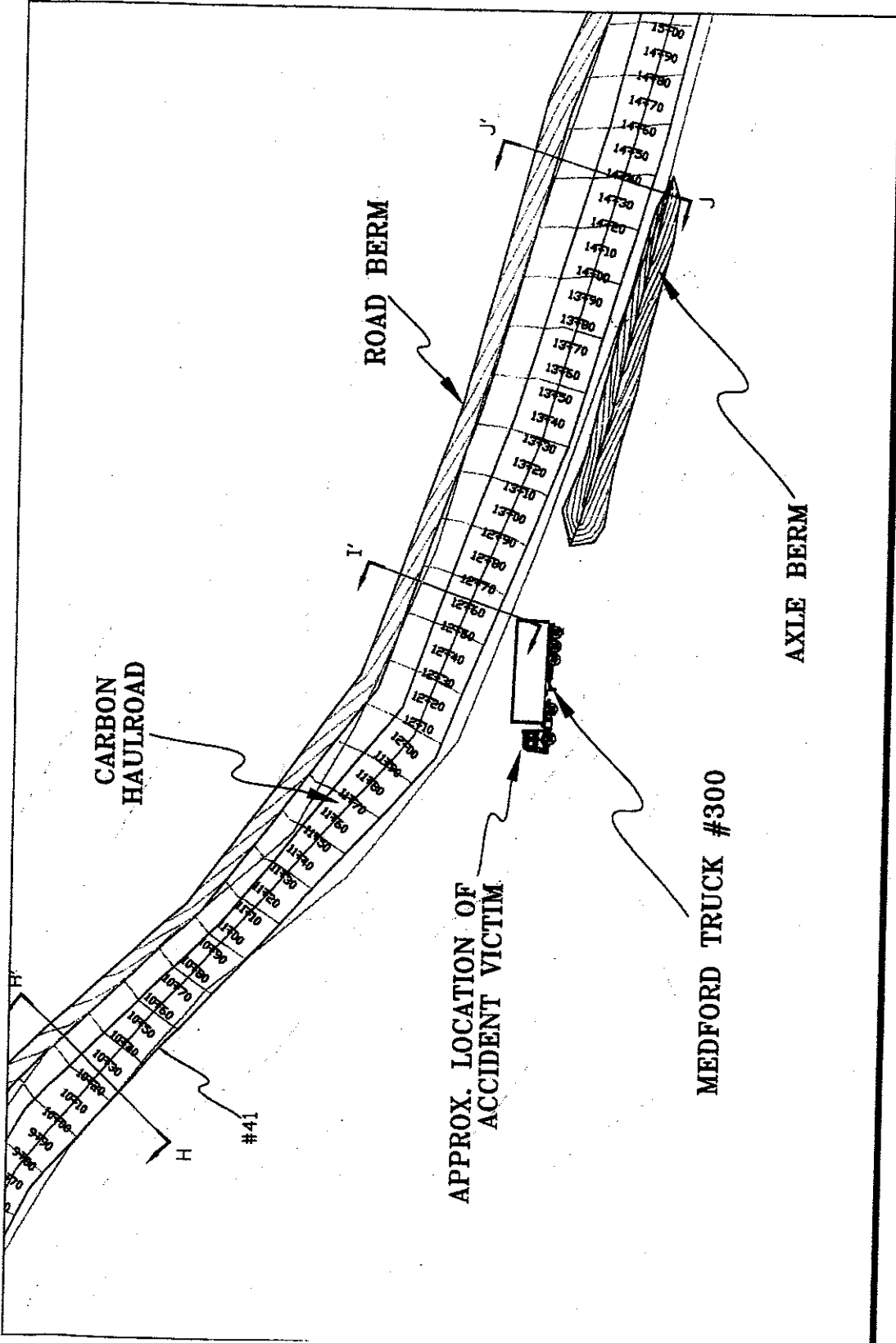
Report of Investigation
Surface Coal Mine Fatality
(Haulage Accident)

Medford Trucking, LLC, Contractor ID Number C-6067
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, West Virginia 25901
Mckennis P. Browning, Inspector-at-Large

TABLE OF CONTENTS

SKETCHES.....	1-2
GENERAL INFORMATION	3
DESCRIPTION	3-4
FINDINGS OF FACT	4-5
CONCLUSION	5
ENFORCEMENT ACTION	5-6
RECOMMENDATIONS	6
ACKNOWLEDGMENT	6
APPENDIX	7



**MEDFORD TRUCKING
FATALITY ACCIDENT**

DATE: December 6, 2010
 DWG NAME: Med. Acc. 12-6-10.dwg
 SCALE: 1" = 60'
 DRAWN BY: DE

PERMIT #: S-3001-01

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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.

Charles R. Qualls, an employee for Medford Trucking, LLC was fatally injured in a haulage accident at approximately 5:45 p.m. on December 4, 2010. Mr. Qualls was driving a Kenworth tractor/trailer coal truck on a downhill portion of the Cabin Creek haulage road, when he lost control of the vehicle and overturned. Mr. Qualls died from injuries he sustained from 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 5:47 p.m. on December 4, 2010. A joint investigation with the Mine Safety and Health Administration 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 and Kanawha counties, West Virginia. The surface mine normally operates two (2) shifts a day and has 200 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. Medford Trucking, LLC is one of the independent contractors and normally uses 35 to 40 coal trucks to transport coal from the Republic Energy mine to various handling facilities. Medford Trucking, LLC operates two (2) shifts and utilizes 35 to 40 employees on each shift. The employees normally work 10 to 12 hour shifts while operating equipment at the Republic Energy Surface Mine.

The evening shift for the coal truck drivers for Medford Trucking, LLC began normally on December 4, 2010. Charles R. Qualls, the driver of the No. 300 Kenworth tractor/trailer began his shift at approximately 2:00 p.m. at the Republic Energy security building. Mr. Qualls drove the No. 300 coal truck to the Lower Coalburg stockpile located at the top of the hill on the Cabin Creek haul road. Mr. Qualls' truck was loaded at approximately 4:45 p.m. Due to snow covering the haul road, Mr. Qualls and other truck drivers had to wait approximately one (1) hour for haul road maintenance to be completed before attempting the descent down the haul road. Mr. Qualls was observed by James Tate, another Medford driver, performing the required tractor/trailer brake checks before proceeding down the Cabin Creek haul road. Mr. Tate stated that the

brakes appeared to be functioning properly on the No. 300 coal truck tractor/trailer at the time Mr. Qualls began his descent down the haul road. Upon reaching the No. 53 road marker sign, Mr. Qualls stopped his tractor/trailer because he was getting too close to the tractor/trailer in front of him. At this point the No. 300 tractor/trailer appeared to be functioning normally. After allowing the truck in front of him to proceed far enough down the hill to ensure a safe distance between them, Mr. Qualls continued his descent. Upon reaching the No. 46 road marker sign, Mr. Qualls stated over the CB radio to Mr. Tate that something was wrong with his trailer brakes. Mr. Tate stated that he asked Mr. Qualls if he needed to stop. Mr. Qualls made no reply to this question.

At the No. 44 road marker sign Mr. Qualls called to Henry Ferrell, the driver directly in front of him, and said, "I'm coming around you - I'm out of control - I can't slow down - I'm sorry". At this point Mr. Qualls passed Mr. Ferrell, who had just moved to the left side of the road in order to allow Mr. Qualls to pass him on the right side of the road. Mr. Ferrell stated that it appeared Mr. Qualls attempted to drive onto the straddle berm at the No. 41 road marker sign but did not strike it squarely, and ran the left truck tires up onto the side of the berm which resulted in the overturning of the truck.

The No. 300 tractor-trailer coal truck came to rest on its right side at the lower end of the straddle berm. Upon seeing Mr. Qualls' truck overturned, Mr. Tate stopped and exited the cab. He ran to the overturned truck and proceeded to remove the windshield and shut down the engine. Mr. Tate tried to free Mr. Qualls whose body was partially pinned beneath the passenger side of the truck cab. Mr. Qualls was unresponsive. Mr. Ferrell, who had also stopped at the accident scene, called 911 to report the accident. At 5:30 p.m. Kanawha County EMS arrived on the scene and removed the victim from the overturned truck. Mr. Qualls was pronounced dead by Paramedic Allen Wees at 5:49 p.m. At 7:16 p.m. Mr. Qualls was transported to the Medical Examiner's office.

FINDINGS OF FACTS

1. It was noted in the preshift/onshift examination book completed by the Surface Mine Foreman that the Cabin Creek haul road was snow covered.
2. The action taken to correct the hazardous condition was to remove snow with a grader and treat the road with cinders and salt.
3. The downhill portion of the Cabin Creek haulage road is 9,232.1 feet in length. The haul road has an average slope of 10.35% or 5.9°. The condition of the haul road at the time of the accident was damp with no snow or ice present.
4. The victim had a total of at least ten (10) years mining experience with approximately three (3) years with Medford Trucking. Mr. Qualls was issued a Coal Truck Driver Certification on April 1, 2003 and his CDL with NTPH endorsement expires April 4, 2013.
5. The average load transported by coal trucks being operated by Medford Trucking, LLC at the Republic Surface Mine is 40 tons.

6. The approved preoperational safety checklist for the No. 300 tractor/trailer coal truck showed no defects recorded by the victim.
7. The No. 300 trailer that was attached to the No. 300 Kenworth coal truck had three (3) of the six (6) brakes not functioning properly. Investigation revealed that one (1) of the six (6) brake drums was worn beyond the manufacturer's maximum wear limits and two (2) of the six (6) brake chambers were past the manufacturer's recommended stroke limit at which the brakes should be readjusted. In addition it was found that one (1) of the brakes had not been functioning prior to the accident.
8. The No. 300 Kenworth tractor utilizes an 18 speed Roadranger transmission. Subsequent to the accident, this transmission was found to be in the neutral position.
9. The dash wiring harness was reconnected in order to test the dash sensors, warning lights, and warning bells for proper function. Test results revealed that all the sensors were functioning properly.
10. The location and position of the victim at the accident site indicates that he was not wearing a seat belt at the time of the accident.

CONCLUSION

On December 4, 2010, coal haulage was being conducted on the Cabin Creek coal haulage road by Medford Trucking, LLC. Charles R. Qualls, a driver employed by Medford Trucking, LLC, lost control of the No. 300 Kenworth tractor/trailer coal truck he was operating and overturned the truck.

Investigation revealed that the airbrake system on the No. 300 tractor-trailer coal truck was not maintained in a safe operating condition. The victim was not wearing a seat belt at the time of the accident, in that he was partially ejected from the operator's cab during the accident. Charles R. Qualls 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 two (2) notices of violations to Medford Trucking, LLC during this investigation. The following violations were written as a result of the accident.

Notice of Violation: WV Code 56-3-42.3(a)

The air brake system on the No. 300 trailer attached to the No. 300 Kenworth coal truck was not maintained in safe working condition. This tractor/trailer coal truck was

involved in a fatal surface mine haulage accident on December 4, 2010. During this inspection, the following defects were found: (1) Two of the six brake canisters were beyond the manufacturer's stroke length for safe operation: (2) one of the six brake drums on the trailer was worn beyond the manufacturers wear limits: (3) and the right center trailer brake was not functioning prior to the accident. Any one of these defects alone would constitute an unsafe condition. This defect constitutes an imminent danger in accordance with Title 56, Series 3, Section 13.1 of The West Virginia Surface Mining Laws. This violates a health or safety provision or safety rule is of a serious nature and involves a fatality.

Notice of Violation: WV Code 36-27-10.2

Investigation revealed the driver of Medford Trucking, LLC's No. 300 Kenworth tractor/trailer coal truck, Charles R. Qualls was not wearing his seat belt at the time of the accident on December 4, 2010. The No. 300 coal truck hauls an average of 41 tons of coal per trip. Evidence indicated Mr. Qualls was partially ejected thru the passenger side door during the accident and suffered injuries that resulted in his death. The partial ejection would not have occurred had a seat belt been worn. This violates a health or safety provision or safety rule, is of a serious nature and involved a fatality.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Rules and Regulations, modifications to the above referenced comprehensive mine safety program are being provided following the investigation of a fatal accident involving Charles R. Qualls that occurred on December 4, 2010. The modifications shall include, but not be limited to, the following:

- (1) A seat belt extension shall be kept in every truck.

ACKNOWLEDGMENT

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

APPENDIX

- Mine Information Sheet (page 8)
- Contractor Information Sheet (page 9)
- Victim Information Sheet (page 10)

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 9,000 tons (approximately)

ANNUAL PRODUCTION TO DATE 1,980,477 tons (approximately)

TOTAL EMPLOYEES 200 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 _____ LOST TIME ACCIDENTS _____

TYPE OF HAULAGE Coal Truck

WV OMHST INSPECTOR Victor Shingler

DATE OF LAST INSPECTION June 18, 2010

NOTIFIED BY Mine and Industrial Accident Emergency Operations Center

TIME OF NOTIFICATION 5:47 p.m., December 4, 2010

CMSP – ANNIVERSARY DATE August 15, 2011

CMSP – CONTACT PERSON Doug Robinson

CONTRACTOR INFORMATION

CONTRACTOR Medford Trucking, LLC

WV PERMIT C-6067 MSHA PERMIT NO. B-106

MAILING ADDRESS 4799 Kanawha Blvd., East, Charleston, WV 25306

COUNTY Kanawha PHONE NUMBER (304) 925-0203

TYPE OF WORK PERFORMED Trucking

WORKING STATUS Active

LOCATION Near Belle, WV

UNION _____ NON-UNION Yes

TOTAL EMPLOYEES 130

NUMBER OF SHIFTS 2

ACCIDENT FREQUENCY RATE 0 LOST TIME ACCIDENTS 0

WVOMHST INSPECTOR Victor Shingler

DATE OF LAST INSPECTION June 17, 2010

CMSP – ANNIVERSARY DATE February 15, 2011

CMSP – CONTACT PERSON John J. Bland