
West Virginia Office of Miners' Health, Safety and Training

March 2, 2004

Report of a Surface Fatality
(Coal Preparation Plant)

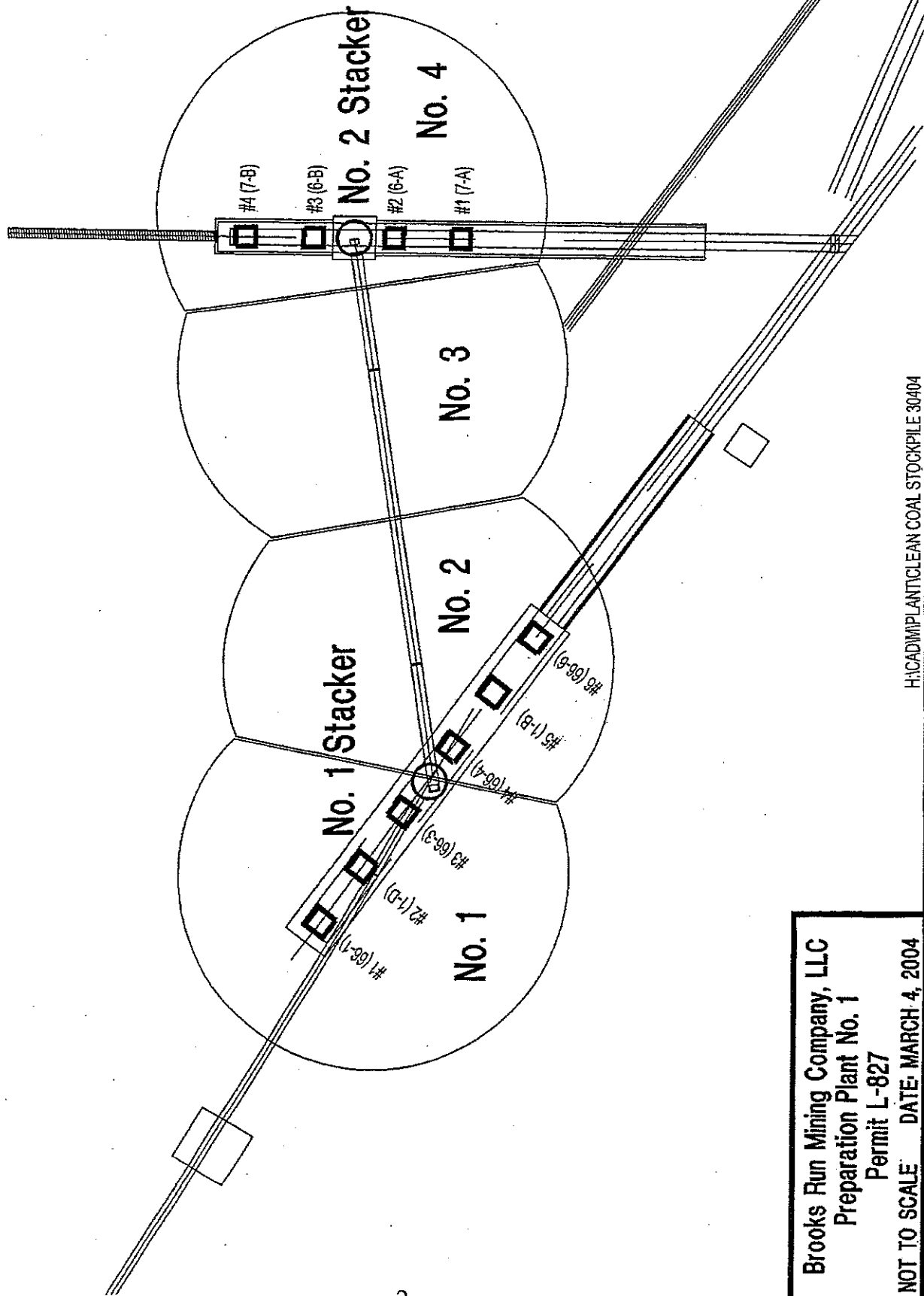
Brooks Run Mining Company, LLC
No. 1 Preparation Plant
Permit No. L-827

Region IV Office
142 Industrial Drive
Oak Hill, West Virginia 25901
Gary S. Snyder, Inspector-at-Large

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CLEAN COAL STOCKPILES



Brooks Run Mining Company, LLC
Preparation Plant No. 1
Permit L-827
NOT TO SCALE DATE MARCH 4, 2004

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**REPORT OF A SURFACE FATALITY
BROOKS RUN MINING COMPANY, LLC
NO. 1 PREPARATION PLANT
PERMIT NO. L-827**

GENERAL INFORMATION

A fatal surface accident occurred at approximately 4:00 p.m. on March 2, 2004 at the Brooks Run Mining Company, LLC, No. 1 Preparation Plant (L-827) located at Erbacon, in Webster County. The accident occurred at the No. 2 clean coal stockpile near the No. 4 clean coal feeder. Kerry A. Holliday, Maintenance Foreman, age 50, was assisting in the process of covering the No. 4 feeder chute opening with sheet metal when the side of the coal pile collapsed onto him causing fatal injuries. Jeff Bennett, Safety Director, notified Terry L. Casto, Deep Mine Inspector for the West Virginia Office of Miners' Health, Safety and Training, Oak Hill office, at approximately 5:15 p.m. on March 2, 2004. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

Brooks Run Mining Company, LLC was issued a permit to operate the No. 1 Preparation Plant on March 1, 2004. (The facility had previously been operated as Coastal Coal – West Virginia, LLC, No. 1 Preparation Plant, permit number L-748.) Currently the facility has 51 employees. The preparation plant operates on a seven day, 24-hour schedule with three shifts a day. The plant normally processes coal four or more days a week. Maintenance is scheduled as needed during the week and on weekends, and raw coal storage takes place seven days a week. Coal is trucked into the preparation plant from three (3) underground mines operated by Brooks Run Mining Company, LLC.

On Tuesday, March 2, 2004 at approximately 7:00 a.m., Kerry Holliday, Maintenance Foreman, met with several day shift crew members to discuss work assignments for that day. John Withrow, Plant Foreman, was also present to help coordinate these assignments. The crewmembers present included equipment operators, Sam Wilson and Harold Dewayne Selman and a three-man independent contractor crew. The independent contractor crew included Gary Williams, Foreman, and laborers Gregory Wriston and Chris Holcomb, employees of Black Thunder, Inc. Mr. Wilson was directed to the raw coal storage area, located near the plant, to stockpile raw coal with an end loader. Mr. Selman was informed that a train would be arriving around 10:00 a.m. He was instructed to go to the clean coal stockpile area to operate a dozer and prepare for loading the train after its arrival. The three Black Thunder, Inc. employees were instructed to work on the No. 4 recovery tunnel feeder. After giving out work assignments, Mr. Holliday and Mr. Withrow began their normal workday.

Approximately two weeks earlier, Bob Davis, Plant Superintendent, and Mr. Holliday began planning the removal and replacement of the No. 4 feeder unit. The No. 4 vibrator - type feeder and chute had been in place for an extended period and needed to be

replaced due to wear and deterioration. A more efficient floodgate feeder, which had already been ordered and delivered, would be installed in its place. This unit is located in the underground recovery tunnel beneath the No. 1 and 2 clean coal stockpiles. The Black Thunder, Inc. crew had previously installed a metal plate in the underground portion of the No. 4 feeder chute to prevent the flow of coal through the chute. This allowed them to begin removing the sides of the feeder and the lower portion of the chute.

After examining the Caterpillar D8N dozer he was to use on the clean coal stockpile, Mr. Selman began pushing coal and preparing the No. 2 stockpile for loading the train. While doing so, a transmission hose on the dozer developed a leak. At approximately 10:00 a.m. while repairs were being made to the dozer, the train arrived. It should be noted that due to rail siding length or capacity at this load out, the "unit" train is separated into two (2) groups, each using a different section of track. One group is loaded first, the cars are repositioned, and then the remaining cars are loaded.

At approximately 11:00 a.m., the contractor crew left the clean coal recovery tunnel. They were sent to work on a coal sampler at the "Bone Yard".

At 11:25 a.m., loading of the train began. Mr. Holliday had instructed Mr. Selman to uncover the No. 4 feeder opening as loading progressed. Earlier, Mr. Holliday and Mr. Davis had decided to have the coal removed from above the No. 4 feeder opening, so that metal plates could be installed over the opening. This was necessary to allow removal of the No. 4 feeder when work resumed on that project. This installation was planned to coincide with repositioning of the train, if possible. Mr. Selman pushed coal from near the top of the outer perimeter of the No. 2 stockpile toward the operating No. 5 feeder. He continued to work this area until he reached ground level. This resulted in an area of coal removed between the No. 1 clean coal stockpile, the No. 1 stacker tube and the No. 2 clean coal stockpile. This work created a box-cut and exposed an area around the No. 4 feeder. This work continued until approximately 1:30 p.m., without apparent interruption, while the first segment of the train was loaded.

Around this time, Mr. Withrow joined Mr. Holliday at the clean coal stockpile area to check the progress of the work and to observe conditions there, as part of his daily examination. Mr. Holliday informed Mr. Withrow that an end loader was needed at the area to assist in clearing coal away from the No. 4 coal feeder. They would also need help to obtain and install the metal plates over the feeder opening. Mr. Withrow radioed Mr. Wilson, who was in the end loader at the raw coal stockpile area, and instructed him to bring the end loader to the clean coal area. Around 2:15 p.m., Mr. Wilson brought the Caterpillar 980G rubber-tired end loader to the area. Mr. Selman had brought the dozer off the stockpile and was putting fuel in it. When he finished putting fuel in the dozer, Mr. Selman walked to the work area and talked with Mr. Holliday. Mr. Wilson began clearing coal away from the No. 4 feeder with the end loader. As he worked, coal from the side of the coal pile and the stacker tube would slough down to ground level. Mr. Wilson would then clear this coal and dump it into the No. 5 feeder. Loading of the train resumed at this time and coal was still being delivered to the No. 1 clean coal stockpile.

The No. 1 pile was building up too high and it was possible the coal would spill over into the work area at the No. 4 feeder. Mr. Holliday instructed Mr. Selman to take the dozer back onto the pile to push the coal away from the work area.

At approximately 2:40 p.m., while this work progressed, Mr. Holliday and Mr. Withrow traveled to the coal sampler where the Black Thunder, Inc. employees were working. Mr. Williams, Mr. Wriston and Mr. Holcomb were instructed to load two (2) sheets of metal plate onto the boom truck they were using and transport them to the clean coal stockpile area. Mr. Holliday and Mr. Withrow then returned to the clean coal stockpile area.

Shortly after, Mr. Davis arrived at the clean coal stockpile area and checked on the progress of the work. He observed the work area and had a short discussion with Mr. Holliday and Mr. Withrow. Mr. Davis then left the area. The contractor crew arrived at the clean coal stockpile area around 3:00 p.m.

The No. 4 feeder opening was uncovered shortly thereafter, so Mr. Holliday decided to place the first metal plate (5' x 12' x 1/4") over the opening. None of the five (5) operable underlying feeders, beneath the No. 1 and No. 2 stockpiles, were operating. The metal plate was pushed with the end loader bucket into the area over the opening. It caught either the stacker tube or the metal rim of the feeder opening and bent at the corner. It was decided to remove this plate, clear more coal from the area and attempt to install a second metal plate directly over the opening.

Coal continued to be diverted onto the No. 1 stockpile and Mr. Selman pushed the coal with the dozer. The dozer vibrations were apparently causing coal in small amounts to roll off the pile. Mr. Holliday radioed the plant control room to switch coal storage over to the No. 4 clean coal stockpile. Mr. Holliday also radioed Mr. Selman in the D8N dozer and told him to come off the No. 1 clean coal pile. Mr. Selman brought the dozer off the No. 1 stockpile, parked it and walked to the work area.

According to Mr. Selman's testimony, he was concerned about the height of the coal pile. He asked Mr. Holliday to let him work (push) down more coal. After looking at the coal pile, Mr. Holliday said he thought the pile would be all right. The end loader continued to load coal into the No. 5 feeder. Mr. Selman joined Mr. Withrow, Mr. Williams, Mr. Wriston and Mr. Holcomb at an area several feet behind the working end loader.

A short time later, Mr. Selman approached Mr. Holliday a second time with the same request to push more coal down. Mr. Holliday's response remained unchanged. At this time the second plate, measuring 6' x 12' x 5/16", was being taken to the feeder opening. This time the plate was attached (hooked) to the opened end of the bucket with chains. Plans were to roll the bucket over and place the plate on the feeder opening.

As the end loader approached the No. 4 feeder opening, Mr. Holliday positioned himself to the right side in front of the end loader. He was near the No. 4 feeder opening, while giving hand signals to Mr. Wilson for positioning the metal plate properly. Mr. Holliday faced the end loader with his back toward the right side of the pile.

According to testimony, an area six (6) to ten (10) feet wide existed between the right side of the end loader and the toe of the coal pile. Mr. Holcomb had advanced to mid point, between the front and rear tire, along the right side of the end loader. Mr. Holcomb stated that he planned to unhook the chains holding the metal plate. The other men were 20 feet or so behind the end loader. Suddenly the coal on the right side of the stockpile started sliding and someone yelled. Mr. Holcomb quickly turned, ran and escaped. Mr. Holliday was completely engulfed by the coal slide and was pushed face down between the front tire and end loader bucket. The sloughing coal had accumulated against and almost to the top of the front tire of the end loader. The time was approximately 4:00 p.m.

Recovery of Mr. Holliday started immediately after the accident occurred. Efforts to locate and access the victim were made from the left side of the end loader. According to testimony, the left side wall of the stockpile had not slid in. A walkway approximately six feet wide existed between the end loader and toe of the pile. The men used their hands to move coal in order to locate Mr. Holliday. While these efforts were being conducted, other employees, via radio, were contacted for obtaining first-aid material, tools and equipment, an additional end loader and to notify the local ambulance service.

Approximately ten to fifteen minutes after the accident occurred, Mr. Holliday was located between the bucket and the right front tire of the end loader. He had been covered by two to three feet of coal. Mr. Holliday was moved to a safer location where first-aid and CPR were administered. These efforts continued until the Webster County EMS Ambulance Service arrived and took control of the medical emergency. Mr. Holliday was transported by ambulance to the Webster County Hospital where he was pronounced dead at approximately 6:00 p.m.

FINDINGS OF FACT

1. The surface opening of the No. 4 coal feeder measured 8 feet x 8 feet. The two (2) pieces of sheet metal that were brought to the work area would be needed to fully cover the opening.
2. The height of the stockpile at the accident scene, in front of the loader at the stacking tube, was approximately 40 feet. The left and right sides of the stockpile were approximately 52 feet in height. The slope of the stockpile varied and vertical walls existed in several places.
3. The No. 2 clean coal stockpile had been partially drawn down to allow access to the No. 4 feeder. Sixty-five (100-ton) railroad cars were loaded from the No. 2 clean coal stockpile. According to the load out computer printout, loading stopped at 4:09 p.m. and 6,473.18 tons of coal was loaded.
4. After the accident, coal had slid against and around the left, front and right sides of the end loader.

CONCLUSION

Kerry A. Holliday was fatally injured when he was completely engulfed by a coal slide. Mr. Holliday had placed himself near the base of the newly excavated No. 2 clean coal stockpile, when the slide suddenly occurred. The failure to recognize the impending danger of the coal walls contributed to this accident.

ENFORCEMENT ACTION

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

The West Virginia Office of Miners' Health, Safety and Training, issued one (1) notice of violation to Brooks Run Mining Company, LLC during this investigation. This violation was considered to have contributed to the accident. This contributing violation was written as follows:

Notice of Violation; Chapter 22A, Article 2, Section 61(h):

Extreme caution, to avoid injury by coal slides, was not exercised by all employees who were working at or near the No. 2 clean coal storage pile at approximately 4:00 p.m. on March 2, 2004. Coal from the stockpile had been removed to access the opening of the No. 4 recovery tunnel feeder, in preparation to perform work and replace the existing coal feeder. The result of this coal removal apparently created unstable slopes and/or walls in the coal stockpile where employees were working to place a steel plate over the No. 4 feeder opening. A fatality occurred when a coal slide covered an employee, Kerry A. Holliday, who was working near the base of the newly excavated coal stockpile.

RECOMMENDATIONS

The No. 1 Preparation Plant comprehensive mine safety program shall be modified to include the following safety precautions and guidelines:

1. All employees will receive specialized training on this plan and comprehensive training, (i.e. Annual and Experienced Miner Training), according to the provisions of this plan and existing "Safety Precautions for Coal Stockpiles with Feeders" plan.
2. During operations in and around any and all stockpiles, a work area will be designated at least 10' away from the projected toe of the stockpile using a 34 degree angle of repose. In the event the stockpile is on two opposite sides of the work area, the 10' buffer zone will apply to both sides of the work area. Plant supervisors will be trained to use an Abney Hand Level and Clinometer, or other suitable device, to estimate the toe location. In projecting the toe of the slope, the height of the person taking the measurement will be accounted for by adding 8' to the 10' buffer zone. During the measurement, a spotter will observe the stockpile from outside the 34 degree angle of repose zone. The limit of the work area will

be a total of 18' from the point of measurement. The actual toe of the stockpile slope may be farther away than the projected toe at the angle of repose. The measurement will be taken perpendicular to face of the pile.

3. The limit of the work zone will be identified by the use of cones, "Danger" tape or other visible means. No person will be allowed to walk between the limit of the designated work area and the toe of the stockpile.
4. Normal use of mobile equipment will be permitted in the area between the designated work zone and the actual face of the stockpile. Mobile equipment operators will observe guidelines to minimize the possibility of inundation while operating near the face of a stockpile.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Brooks Run Mining Company, LLC and the Mine Safety and Health Administration during this investigation.

Respectfully Submitted:

Gary S. Snyder
Gary S. Snyder, Inspector-at-Large

April 21, 2004
Date

William A. Tucker
William A. Tucker, Assistant Inspector-at-Large

April 21, 2004
Date

Terry L. Casto
Terry L. Casto, Deep Mine Inspector

April 21, 2004
Date

Lloyd G. Collins
Lloyd G. Collins, Deep Mine Inspector

April 21, 2004
Date

APPENDIX

- Mine Information Sheet
- Victim Information Sheet
- Persons Present During Investigation and Interviews

MINE INFORMATION

COMPANY Brooks Run Mining Company, LLC

MINE NAME No. 1 Preparation Plant

WV PERMIT L-827

ADDRESS 25 Little Birch Road, Sutton, West Virginia 26601

COUNTY Webster

DATE PERMIT ISSUED March 1, 2004 WORKING STATUS Active

LOCATION near Erbacon

UNION _____ NON-UNION Yes

DAILY PRODUCTION 2,400 tons (raw coal)

ANNUAL PRODUCTION TO DATE 874,128 tons (raw coal)

TOTAL EMPLOYEES 51 NUMBER OF SHIFTS 3

NAME OF COAL BED N/A

SEAM THICKNESS N/A

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE N/A

WV OMHST INSPECTOR Terry Casto

DATE OF LAST INSPECTION January 31, 2004 (Coastal Coal – WV, LLC)

NOTIFIED BY Jeff Bennett, Safety Director

TIME OF NOTIFICATION 5:15 p.m., March 2, 2004

CMSP – ANNIVERSARY DATE March 1, 2005

CMSP – CONTACT PERSON Jeff Bennett

VICTIM INFORMATION

NAME OF VICTIM Kerry A. Holliday

ADDRESS Route 2, Box 168B, Smoot, West Virginia 24977

AGE 50 SOCIAL SECURITY NUMBER [REDACTED] 4096

TOTAL MINING EXPERIENCE 31 years

EXPERIENCE AT THIS MINE 6 years

OCCUPATION AT TIME OF ACCIDENT Maintenance Foreman

REGULAR OCCUPATION Maintenance Foreman

COAL MINER'S CERTIFICATION N-5129 (underground)

OTHER CERTIFICATIONS NR-2392 Certified Electrician

SPOUSE'S NAME Sherry

DEPENDENTS Five children

DATE OF ACCIDENT 2nd DAY OF March, 2004

AT 4:00 O'CLOCK p.m.

CAUSE OF ACCIDENT: Mr. Kerry A. Holliday received fatal injuries when he was engulfed by a coal slide. He was working near the base of a coal stockpile when the accident occurred.

DATE OF DEATH: 2nd DAY OF March, 2004

INVESTIGATION

The following persons were present during the on-site investigation conducted on March 2 and 3, 2004:

BROOKS RUN MINING COMPANY, LLC

Samuel Kitts	President
Ritchie Henderson	General Manager
Charles Dunbar	Vice President of Engineering
Mark Workman	Manager of Production
Robert Davis	Plant Superintendent
John Withrow	Plant Foreman
Donald Ratliff	Vice President of External Affairs
R. Henry Moore	Attorney
Julia Shreve	Attorney
Bruce Gregory	Miners Representative
Albert Moore	Miners Representative
Dewayne Selman	Dozer Operator

CONTRACTORS FOR BROOKS RUN MINING COMPANY, LLC BLACK THUNDER, INC. (C-7064)

Gary Williams	Foreman
Chris Holcomb	Laborer
Gregory Wriston	Laborer

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter	Accident Investigator
James Humphrey	Coal Mine Inspector
Preston White	Training Specialist
Joseph Mackowiak	Coal Mine Inspector

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Gary S. Snyder	Inspector-at-Large
William A. Tucker	Assistant Inspector-at-Large
Terry L. Casto	Deep Mine Inspector
Lloyd G. Collins	Deep Mine Inspector

INTERVIEWS

The following persons were present during the interviews conducted on March 4, 2004:

BROOKS RUN MINING COMPANY, LLC

Mark Workman	Manager of Production
Robert Davis*	Plant Superintendent
John Withrow *	Plant Foreman
Dewayne Selman*	Dozer Operator
Sam Wilson *	End Loader Operator
Albert Moore	Miners Representative
Bruce Gregory	Miners Representative
Vaughn R. Groves	Attorney
R. Henry Moore	Attorney

CONTRACTORS FOR BROOKS RUN MINING COMPANY, LLC BLACK THUNDER, INC. (C-7064)

Gary Williams*	Foreman
Chris Holcomb*	Laborer
Gregory Wriston*	Laborer
Robert Gibson*	Safety Director

*denotes persons interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter	Accident Investigator
James Humphrey	Coal Mine Inspector
Preston White	Training Specialist
John Fredland	Civil Engineer
Mike Superfesky	Civil Engineer
Dan Barish	Attorney

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