
West Virginia Office of Miners' Health, Safety and Training

September 17, 2003

Fatal Surface Haulage Investigation Report
Independence Coal Company
Twilight MTR
Permit No. S-5023-96

Region Three – Danville Office
137 Peach Court, Suite 2
Danville, West Virginia 25053
Harry Linville, Inspector-at-Large

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Scale:

1" = 1000'

2nd LEFT

DROPPED TRUCK DRIVER
OFF HERE.

GLORY KNOB

3RD LEFT

930 LOT

WAREHOUSE/
COAL HANDLING

PRILL BINS
AND MAGAZINES
DUCK HEAD
GREEN STROBE IS
LOCATED HERE.

S-1 TRAILER

NELSON BRO.'S

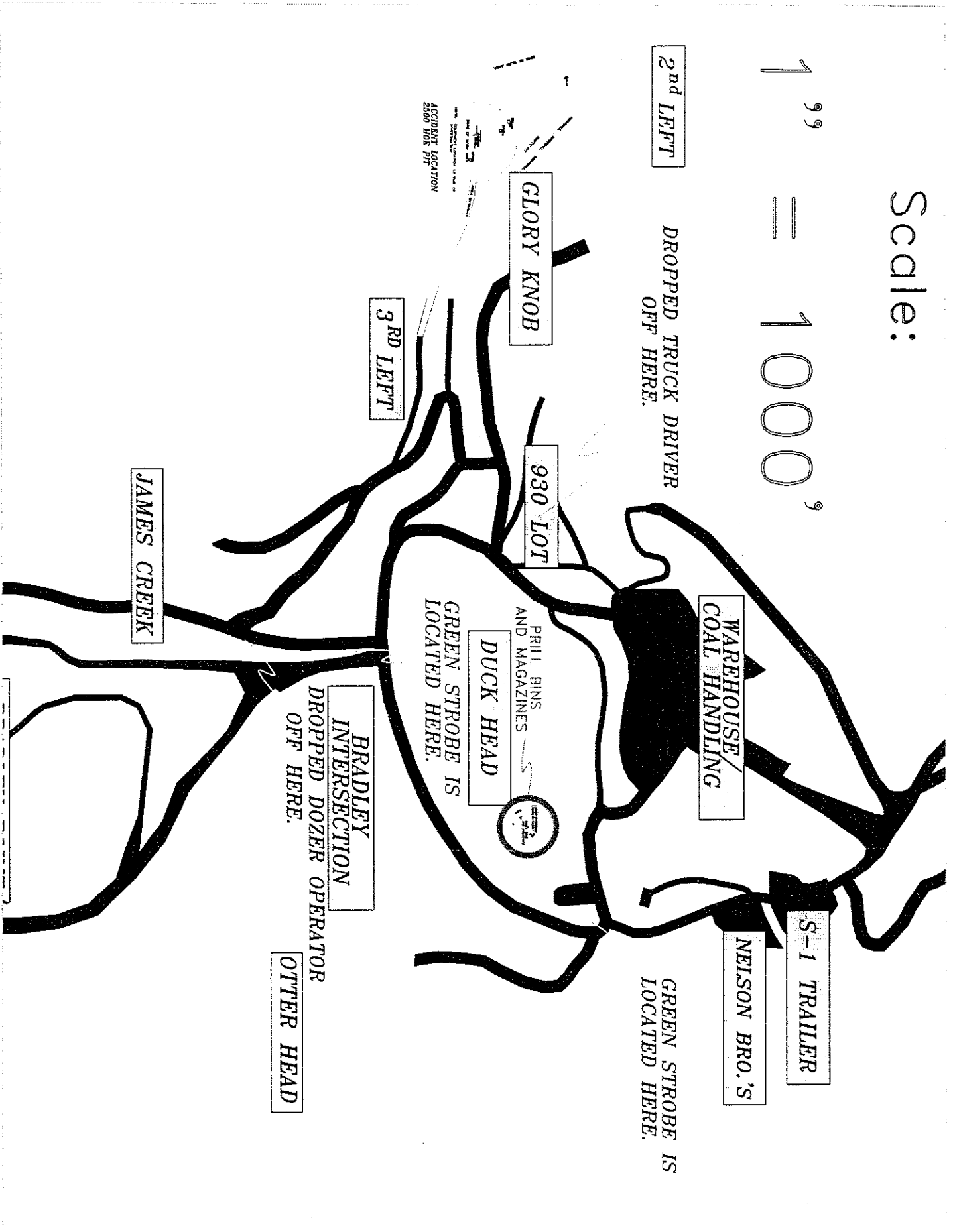
GREEN STROBE IS
LOCATED HERE.

ACCIDENT LOCATION
2500 HOE PIT

JAMES CREEK

BRADLEY
INTERSECTION
DROPPED DOZER OPERATOR
OFF HERE.

OTTER HEAD



GLORY KNOLL

EDGE OF WORK AREA

SPILL 440

Scale:
1" = 100'

MINOR
EQUIPMENT

EXCISE 200
RICK 729

PORTAL VAN 1712
STANDING SPACES
512 MARK-
RICK 729

AREA ENTRANCE

EDGE OF WORK AREA

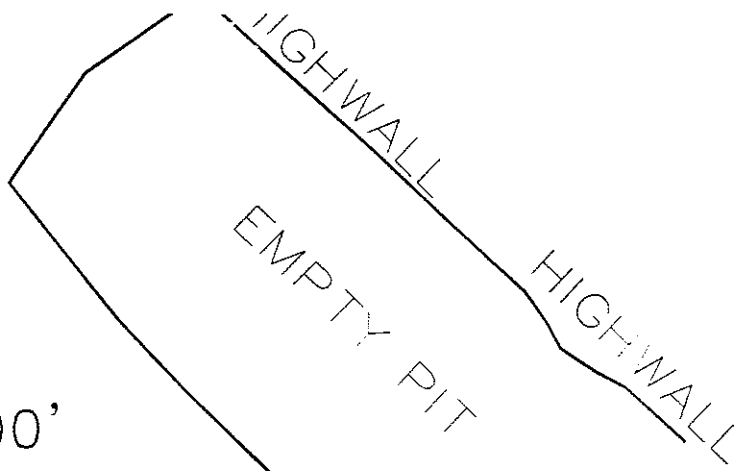
NOTE: EQUIPMENT LOCATION AT TIME OF INVESTIGATION.

ACCIDENT LOCATION 2500 HOE PIT

Scale:

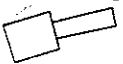
1" = 200'





Scale:
1" = 100'

HITACHI
2500 EXCAVATOR



EUCLID R190
ROCK TRUCK 737



PORTAL VAN LT112

SPINNING MARKS
SPRING SPACERS

SKID MARK

EUCLID R190
ROCK TRUCK 729



KOMATSU 630E
ROCK TRUCK 731



EDGE OF WORK AREA

AREA E

NOTE: EQUIPMENT LOCATION AT TIME OF INVESTIGATION.

ACCIDENT LOCATION 2500 HOE PIT

**Fatal Surface Haulage Investigation Report
Independence Coal Company
Twilight MTR
Permit No. S-5023-96**

GENERAL INFORMATION

A fatal haulage accident occurred at the Independence Coal Company, Twilight MTR surface mine on September 17, 2003. The accident occurred at approximately 6:00 a.m. Rodney W. Sheets, age 47, of Danville, West Virginia, and William P. Birchfield, age 37, of Madison, West Virginia, were fatally injured when the portal vehicle (a Ford E-350 Econoline 12 passenger van) in which they were passengers was struck by a Euclid 190 rock truck driven by Gordon S. Mills. The accident happened at a location known as the "2500 Pit". Matthew Adkins, age 28, the portal vehicle's driver, also received injuries requiring hospitalization for two days. The portal vehicle was parked in the forward path of the rock truck for the purpose of delivering supplies to the rock truck driver.

Harry Linville, Inspector-at-Large from the Office of Miners' Health, Safety and Training's Danville Office was notified that an accident had occurred by Independence Coal Company manager of safety, H. Tyrone Coleman at approximately 7:30 a.m. on September 17, 2003. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

DESCRIPTION

The Independence Coal Company, Twilight MTR surface mine is located near Twilight, West Virginia in Boone County. The mine started production in 1997, and currently employs 153 people on two shifts. Production for the current year has exceeded two million tons.

Twilight MTR employees began to assemble at a parking lot and staging area known as the "S-1 Trailer" around 5:30 a.m. on Wednesday, September 17, 2003. Matthew Adkins, who operates a Hitachi 2500 Excavator at a location known as the "2500 Pit" arrived at the staging area around this time. Before getting into the portal van (a Ford E-350 Econoline 12 passenger van), Adkins told foreman, Jack Easter, that he would be stopping by the mine warehouse to pick up supplies on the way to the work-site. Euclid 190 rock truck driver, Gordon S. Mills, heard the conversation and asked Adkins to pick up paper towels and toilet paper for him. Adkins was driving the portal vehicle and left the staging area at approximately 5:45 a.m. Passengers in the van with Adkins included rock truck driver, Lawrence Fox, bulldozer operator, Glen Akers, drill operator, Rodney W. Sheets, and bulldozer operator, William P. Birchfield. Mills made a pre-operational examination of his truck and left the staging area shortly thereafter proceeding to the "2500 Pit".

The portal vehicle driven by Adkins proceeded to the warehouse facility to pick up the supplies. (See diagram/map on page 3) After collecting the supplies, Adkins and the portal van passengers left the warehouse within a few minutes. While proceeding to the "2500 Pit", Lawrence Fox was dropped off at a location known as the "930 Parking Lot". A few minutes later Glen Akers was dropped off along the James Creek Road, a short distance from the Bradley Intersection. The portal vehicle then proceeded along the 3rd Left Road toward the "2500 Pit" worksite.

Gordon S. Mills had left the staging area in the Euclid 190 rock truck and driven directly to the "2500 Pit" work-site. Mills was the first rock truck driver to arrive at the work-site. Mills stated that he was sitting in his truck with the interior dome light on and the engine idling while facing in the direction opposite the direction being traveled by the portal vehicle. Mills was also facing the Hitachi 2500 Excavator routinely operated by Adkins. According to Mills the interior dome light was on inside the excavator operator's compartment along with the entrance lights on the rear exterior of the operator's compartment. Mills stated that he heard Adkins call on the radio. Mills stated that Adkins told him to come and get his toilet paper. Mills stated that he thought Adkins was calling from the excavator and proceeded forward in the Euclid 190 rock truck. Within seconds Mills heard rock truck driver Edmund Dotson calling on the radio for him to stop. Dotson was approximately 200 yards behind Mills' truck and saw the Euclid 190 rock truck strike the portal vehicle. Mills then stopped immediately and exited the rock truck to discover what had happened.

Adkins stated that he had gotten a confirmation or an "ok" response from Mills as he approached the Euclid rock truck. Adkins confirmed that he approached the rock truck on its "off" side (the side opposite the operator's seat where visibility is more limited) and stopped the portal vehicle directly in front of the rock truck's right front wheel. The portal vehicle's driver side was within arm's reach of the rock truck's bumper. Adkins stated that the rock truck struck the portal vehicle in the area of the driver's side door causing it to flip over onto the passenger side. The rock truck then traveled atop the portal vehicle.

Having witnessed the accident, Edmund Dotson then used his radio to call for assistance before proceeding to the accident site. Dotson found Adkins trapped within the severely mangled portal vehicle and calling out for help. There was no response from Sheets and Birchfield.

Rock truck driver, Steve Sigmon, foreman, Jack Easter and maintenance superintendent, Bill Waters arrived within minutes to assist.

Calls were made for ambulances and fire department personnel at 6:18 a.m. Emergency vehicles and ambulances began arriving at the scene at 6:46 a.m.

The "Jaws of Life" was used by emergency personnel to extricate the victims. Matthew Adkins was transported to CAMC General Division at 7:17 a.m. Truck driver Edmund Dotson became ill during the rescue and recovery process and was transported by ambulance at 7:53 a.m. The bodies of Rodney W. Sheets and William P. Birchfield were transported to Boone Memorial Hospital at 9:31 a.m.

FINDINGS OF FACT

1. The accident happened at approximately 6:00 a.m. Although it was still completely dark, the weather was described as clear.
2. The vehicles involved in the accident were a Euclid 190 rock truck (190 ton capacity) and a Ford E-350 Econoline 12 passenger van.
3. The Euclid 190 rock truck driver, Gordon S. Mills did not utilize the front video camera and monitor equipment provided in the truck to verify that his path was unobstructed before proceeding forward. Mills also did not sound the truck's horn before advancing as required by company safety rules.

4. The Euclid 190 rock truck was equipped with front, rear and off side video cameras and a monitor in the operator's compartment not required by state or federal rules. The off side camera was not functional when tested following this accident. However, the front camera was operational and would have shown the portal vehicle had it been used prior to this accident.
5. The portal vehicle driver, Matthew Adkins, approached the rock truck from its off side and parked in the path of the rock truck without sufficient radio and visual contact with the rock truck driver to specify the location of the portal vehicle.
6. The portal vehicle was equipped with a yellow/amber colored strobe light on its roof not required by state or federal rules. This light was not working at the time of this accident. However, during a simulation and re-enactment conducted after the accident it was determined that this particular type of strobe light may not have been of sufficient illuminating power to be seen anyway.
7. According to the portal vehicle driver, Matthew Adkins, Rodney W. Sheets was sitting in the front passenger's seat while William P. Birchfield was sitting in the second passenger seat at the time of this accident.
8. The portal vehicle was struck in the area of the driver's side door and flipped over onto the passenger's side when struck by the rock truck. The rock truck then traveled atop the portal vehicle.

CONCLUSION

The Ford E-350 Econoline 12 passenger portal vehicle was struck by the Euclid 190 rock truck after the portal vehicle was parked in the direct forward path of the rock truck without sufficient communication from the portal vehicle driver to the rock truck driver. The rock truck driver also did not verify that the rock truck's path was unobstructed before proceeding.

ENFORCEMENT ACTION

During this investigation a total of four (4) notices of violation were issued to the mine operator. Two of the violations were determined to have contributed to the occurrence of this accident. Two individual personal assessments that were determined to have contributed to this accident were also issued. The contributing violations are as follows:

Title 56, Series 3, Section 34.4(a): The Euclid R 190 haulage truck operator, Gordon Mills, did not make sure his truck path was unobstructed, especially when starting or moving the truck forward or backward. The portal van had approached the front of the rock truck from the off side to deliver supplies. Mr. Mills heard Matthew Adkins, driver of the portal van, say come and get your supplies; thinking Mr. Adkins was in the Hitachi 2500 excavator he proceeded forward without making a video monitor or visual check of the front of the truck, which resulted in a fatal accident.

Title 56, Series 3, Section 34.4(b): The driver of the portal van, Matthew Adkins, did not make sufficient radio or visual contact with Gordon Mills, an operator of a haulage truck, to insure that it is safe to approach the truck. Mr. Adkins did not warn and make clear to the rock truck driver that he was approaching the off side of the rock truck and proceeding to the front of the truck to deliver supplies, which resulted in a fatal accident.

RECOMMENDATIONS

See 2 page attachment titled "Training Agenda 09-18-03"

ACKNOWLEDGMENT

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

Respectfully submitted:

Terry Farley SR 11-12-03
Terry Farley, Health and Safety Administrator Date

Harry Linville 11/10/03
Harry Linville, Inspector-at-Large Date

Randall D. Bailey 11-12-03
Randall Bailey, Surface Inspector Date

APPENDIX

- Mine Information Sheet
- Victim Information Sheets
- Supplemental Information
- Persons Present During Investigation

MINE INFORMATION

COMPANY Independence Coal Company

MINE NAME Twilight MTR

WV PERMIT S-5023-96

ADDRESS HC 78, Box 1796 Madison, WV 25130

COUNTY Boone

DATE PERMIT ISSUED September 19, 1997

WORKING STATUS Active

LOCATION Near Twilight, West Virginia

UNION _____ NON-UNION X

DAILY PRODUCTION 18,000 tons ANNUAL PRODUCTION TO DATE 2,075,930 tons

TOTAL EMPLOYEES 153

NUMBER OF SHIFTS 2 production

COAL SEAM NAME AND THICKNESS Chilton, Clarion, Coalburg, Winifrede, Stockton, 38 ft.

ACCIDENT INCIDENT RATE 4.92 LOST TIME ACCIDENTS 3

TYPE OF HAULAGE Truck

WVOMHST INSPECTOR Randall Bailey

DATE OF LAST INSPECTION June 3, 2003

NOTIFIED BY H. Tyrone Coleman

NOTIFICATION 7:30 a.m. September 17, 2003

CMSP – ANNIVERSARY DATE October 22, 2003

CMSP – CONTACT PERSON Brian Petrosky

VICTIM INFORMATION

NAME OF VICTIM William P. Birchfield

ADDRESS P. O. Box 902 Madison, WV 25130

TELEPHONE NO. (304)369-4026 AGE 37 SOCIAL SECURITY NUMBER [REDACTED]-6032

TOTAL MINING EXPERIENCE 10 yrs. EXPERIENCE AT THIS MINE 5 yrs.

AVERAGE NUMBER OF DAYS WORKED PER WEEK 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK 60 PER DAY 10

LENGTH OF SHIFTS AT THIS MINE 10 hrs. TRAVEL TIME TO/FROM WORK 1.5 hrs

OCCUPATION AT TIME OF ACCIDENT Dozer Operator

REGULAR OCCUPATION Dozer Operator

COAL MINER'S CERTIFICATION L-5194

OTHER CERTIFICATIONS S-3669-03

SPOUSE' NAME Tammy

DEPENDENTS 2 children

DATE OF ACCIDENT 17th DAY OF September, 2003 AT 6:05 O'CLOCK a.m.

CAUSE OF ACCIDENT: The Ford E-350 Econoline passenger portal vehicle was struck by the Euclid 190 rock truck after the portal vehicle parked in the direct forward path of the rock truck.

DATE OF DEATH: 17th DAY OF September, 2003

VICTIM INFORMATION

NAME OF VICTIM Rodney W. Sheets

ADDRESS Rt. 1, Box 744 Danville, WV 25053

TELEPHONE NO. (304)369-5026 AGE 47 SOCIAL SECURITY NUMBER [REDACTED]-1934

TOTAL MINING EXPERIENCE 7 yrs. EXPERIENCE AT THIS MINE 5.5 yrs.

AVERAGE NUMBER OF DAYS WORKED PER WEEK 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK 60 PER DAY 10

LENGTH OF SHIFTS AT THIS MINE 10 hrs. TRAVEL TIME TO/FROM WORK 1.5 hrs.

OCCUPATION AT TIME OF ACCIDENT Drill Operator

REGULAR OCCUPATION Drill Operator

COAL MINER'S CERTIFICATION L-6735

OTHER CERTIFICATIONS EMT-M, L-66-A, S-3418-00, SC-1009-92

SPOUSE' NAME Tamara

DEPENDENTS 2 children

DATE OF ACCIDENT 17th DAY OF September, 2003 AT 6:05 O'CLOCK a.m.

CAUSE OF ACCIDENT: The Ford E-350 Econoline passenger portal vehicle was struck by the Euclid 190 rock truck after the portal vehicle parked in the direct forward path of the rock truck.

DATE OF DEATH: 17th DAY OF September, 2003.

SUPPLEMENTAL INFORMATION

William P. Birchfield received annual refresher training on September 21, 2002. Rodney W. Sheets received annual refresher training on September 28, 2002.

INVESTIGATION

The following persons were present during the onsite investigation conducted on September 18, 2003.

INDEPENDENCE COAL COMPANY

Mike Snelling	Mine Manager, Black Castle/Nicholas Co. Coal
Bill Waters	Maintenance Superintendent
Frank Foster	Safety Coordinator for Massey Services
H. Tyrone Coleman	Manager of Safety
Brian Petrosky	Safety Department
Jason McMillion	Security

MINE SAFETY AND HEALTH ADMINISTRATION

Don Conrad	Educational Field Services
Alice Blanton	Accident Investigator
Don Ellis	Supervisor
Michael M. Zenone	Specialist
Richard Skrabak	Technical Support – Engineer
Steve Vamossy	Technical Support – Engineer
John Fredland	Technical Support – Engineer
John S. South	Supervisory Specialist Investigator
John F. Workman	Surface Specialist
Clyde Gray, Jr.	CMI Underground
John M. Pyles	Administrator
Mike Woodrome	Tri-state Initiative

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Randall Bailey	Surface Inspector

INTERVIEWS

The following persons were present during interviews conducted on September 22, 2003.

INDEPENDENCE COAL COMPANY

Mike Snelling	Mine Manager, Black Castle/Nicholas Co. Coal
Frank Foster	Safety Coordinator for Massey Services
H. Tyrone Coleman	Manager of Safety
Brian Petrosky	Safety Department
Jason McMillion	Security
Bill Waters*	Maintenance Superintendent
Jack Easter*	Foreman
Matthew Adkins*	Van Driver/Excavator Operator
Gordon S. Mills II*	Rock Truck Driver
Edmund Dotson*	Rock Truck Driver

*Denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Don Conrad	Educational Field Services
Alice Blanton	Accident Investigator
Don Ellis	Supervisor
Michael M. Zenone	Specialist
Richard Skrabak	Technical Support – Engineer
Steve Vamossy	Technical Support – Engineer
John Fredland	Technical Support – Engineer
John S. South	Supervisory Specialist Investigator
John F. Workman	Surface Specialist
Clyde Gray, Jr.	CMI Underground
John M. Pyles	Administrator
Mike Woodrome	Tri-state Initiative

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Randall Bailey	Surface Inspector

The following persons were present during interviews conducted on September 23, 2003.

INDEPENDENCE COAL COMPANY

Mike Snelling	Mine Manager, Black Castle/Nicholas Co. Coal
Bill Waters	Maintenance Superintendent
Frank Foster	Safety Coordinator for Massey Services
H. Tyrone Coleman*	Manager of Safety
Brian Petrosky*	Safety Department
Mike R. Engle*	Evening Shift Foreman

Rick Hunter*	Foreman
Steve Sigmon*	Rock Truck Driver
Larry Peters*	Truck Driver
Randy J. Toler*	Truck Driver
Jason McMillion	Security

* Denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Don Conrad	Educational Field Services
Alice Blanton	Accident Investigator
Don Ellis	Supervisor
Michael M. Zenone	Specialist
Richard Skrabak	Technical Support – Engineer
Steve Vamossy	Technical Support – Engineer
John Fredland	Technical Support – Engineer
John S. South	Supervisory Specialist Investigator
John F. Workman	Surface Specialist
Clyde Gray, Jr.	CMI Underground
John M. Pyles	Administrator
Mike Woodrome	Tri-state Initiative

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Randall Bailey	Surface Inspector

The following persons were present during interviews conducted on September 24, 2003.

INDEPENDENCE COAL COMPANY

Mike Snelling	Mine Manager, Black Castle/Nicholas Co. Coal
Bill Waters	Maintenance Superintendent
Frank Foster	Safety Coordinator for Massey Services
H. Tyrone Coleman	Manager of Safety
Brian Petrosky	Safety Department
Charles Hayward*	Oiler/Greaser
Samuel Tipton II*	Excavator Operator
John Fox*	Drill Operator
Jason McMillion	Security

* Denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Don Conrad	Educational Field Services
Alice Blanton	Accident Investigator
Don Ellis	Supervisor
Michael M. Zenone	Specialist
Richard Skrabak	Technical Support – Engineer
Steve Vamossy	Technical Support – Engineer
John Fredland	Technical Support – Engineer
John S. South	Supervisory Specialist Investigator
John F. Workman	Surface Specialist
Clyde Gray, Jr.	CMI Underground
John M. Pyles	Administrator
Mike Woodrome	Tri-state Initiative

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Randall Bailey	Surface Inspector

The following persons were present during interviews conducted on September 25, 2003.

INDEPENDENCE COAL COMPANY

Mike Snelling	Mine Manager, Black Castle/Nicholas Co. Coal
Bill Waters	Maintenance Superintendent
Frank Foster	Safety Coordinator for Massey Services
Tyrone Coleman	Manager of Safety
Brian Petrosky	Safety Department
Matthew Adkins*	Excavator Operator
Glen Akers*	Dozer Operator
Lawrence Fox*	Drill Operator
Jason McMillion	Security

*Denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Don Conrad	Educational Field Services
Alice Blanton	Accident Investigator
Don Ellis	Supervisor
Michael M. Zenone	Specialist
Richard Skrabak	Technical Support – Engineer

Steve Vamossy	Technical Support – Engineer
John Fredland	Technical Support – Engineer
John S. South	Supervisory Specialist Investigator
John F. Workman	Surface Specialist
Clyde Gray, Jr.	CMI Underground
John M. Pyles	Administrator
Mike Woodrome	Tri-state Initiative

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Harry Linville	Inspector-at-Large
Randall Bailey	Surface Inspector

The following persons were present during interviews conducted on October 10, 2003.

INDEPENDENCE COAL COMPANY

Frank Foster	Safety Coordinator for Massey Services
H. Tyrone Coleman* (via phone)	Manager of Safety
John Fox*	Drill Operator
Bill Waters*	Maintenance Superintendent
Glen Akers*	Dozer Operator
Edmund Dotson*	Rock Truck Driver
Mark Heath	Attorney

*Denotes those interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

John Pyles	Administrator/Accident Investigator
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WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
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Training Agenda 09-18-03

Supplies:

1. No supplies [i.e. Paper Towels, Window Cleaner, etc...] should be delivered to equipment during production time.
2. In the event supplies "must" be delivered during production time, they will be dropped off at a designated area and picked up by the "Equipment Operator".

Note: The drop off point will be determined between the operator and the person delivering the supplies.

Pre-Operational Exams;

1. Pre-op will be picked up from a designated location, and not directly from the equipment operator.

Communications:

1. All radio communications will identify their locations and intentions. The equipment operator will confirm the communications by repeating it back to the originating party.

Note: The Equipment is not to move until the communication confirmation has been met!

2. Review S-1 Guideline concerning radio communications.
3. The Equipment Operator is to verify that "ALL IS CLEAR" by visual examination. **GET OUT OF THE EQUIPMENT AND LOOK TO SEE IF THE AREA IS CLEAR!**

Note: Radio Channel Review.

1. Progress "Big Radio" / Warehouse / Emergencies
2. Channel - 1 "Shovel Pit."
3. Channel - 2 "3600 "
4. Channel -3 "2500"
5. Channel - 4 "908 G-Spread"
6. Channel - 5 "UBB-Site"
7. Channel - 6 "920 G-Spread"
8. Channel -7 "Coal Haulage "
9. Channel -8 "Drills and Blasting Crew"

10.Channel – HWM / Superior Channel.

Audible Alarm Sequence – Before Moving:

1. The Sequence listed is intended for Haulage Equipment that is taken out of the normal production cycle.
2. **The horn will be SOUNDED { 3 } times and the equipment operator will wait {15 } seconds BEFORE THE EQUIPMENT IS MOVED !**
3. During this time span the equipment operator will cycle thru the camera screens and look at all views.
4. **When in doubt the equipment operator will GET OUT OF THE TRUCK AND VISUALLY VERIFY ALL IS CLEAR!**

Cameras:

1. **ALL HAULAGE TRUCKS EQUIPPED WITH CAMERAS WILL BE UTILIZED BY THE OPERATORS**

Current Policy:

1. **Review Current POLICY & NEAR MISSES.**

IF-01
Revis 11-02

STATE OF WEST VIRGINIA

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 3
Case No. 077-095-
Violation No. 1

NOTICE OF VIOLATION

Company / Operator Tenneco Contractor: Yes No
Permit Number 7-5922 Mine Name Tenneco
Date of Issue Oct 5 2023 Time 11:03 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter , Article , Section and/or West Virginia Administrative Regulation: Title 56, Series 3, Section 24-6 exists as follows:

The driver of the patrol van Matt Adkins did not make sufficient radio or visual contact with Gordon Smith, an operator of a haulage truck, to ensure that it is safe to approach the truck. Mr. Adkins did not warn and make clear to the haul truck driver that he was approaching the aft side of the haul truck and proceeding to the front of the truck to deliver supplies which resulted in a fatal accident.

Type of Issuance: N.O.V. Order
Area or equipment (if order is issued):

The foregoing violation shall be totally abated by a.m. p.m. on 20
The foregoing violation was totally abated by 6:25 a.m. 1 p.m. on 9-17 2023
Action taken to abate the violation: Safety training was conducted to all employees on proper communication when approaching heavy equipment.

Company / Operator Agent Served:
Authorized Representative: R.D. Bailey Inspector No. 857

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20)
Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11)
Permanently disabling (15) Fatal (20)
No. of Persons Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)
Negligence: None (0) Low (10) Moderate (15) High (20)
Knowing Violation: No Yes Repeat
Good Faith in Abatement: Lack of good faith (+15%)
No compliance (extenuating circumstances) (0%) Extra effort (-15%)

IF-018
Revised 11-02

STATE OF WEST VIRGINIA
OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2128

White- Company
Blue- Inspector
Green-Charleston
Canary-Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 3
Case No. 077-0753
Violation No. 1

NOTICE OF VIOLATION

Company / Operator Independence Coal Co Contractor: Yes No
Permit Number S-5023 26 Mine Name Tonight M.T.B
Date of Issue OCT 15 2003 Time 10:00 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _____ Article _____ Section _____ and/or West Virginia Administrative Regulation: Title 56 Series 3 Section 34.4(a) exists as follows:

The Excavator R 190 haulage truck operator Gordon Mulla did not make sure his truck path was unobstructed, especially when starting or moving the truck forward or backward. The portal Man had approached the front of the rock truck from the off side to deliver supplies. Mr. Mulla heard Matt Atkins driver of the portal Man say come and get your supplies, thinking Mr. Atkins was in the Hitachi 2500 excavator, he proceeded forward without making a side mirror or visual check of the front of the truck, which resulted in a fatal accident.

Type of issuance: N.O.V. Order
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ a.m. _____ p.m. on _____ 20____

The foregoing violation was totally abated by 6:00 a.m. p.m. on 9-15 2003

Action taken to abate the violation: Safety training was conducted to all employees on proper communication when approaching equipment and talking to other operators

Company / Operator Agent Served: Ty Calmer

Authorized Representative: R.D. Bailey Inspector No. 077

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:

Likelihood of Occurrence: Unlikely: *(0) _____ Reasonably likely (10) _____ Occurred (20)

Severity of Injury Expected: None: *(0) _____ No lost work days *(8) _____ Lost or restricted days (11) _____

Permanently disabling (15) _____ Fatal (20)

No. of Persons Potentially Affected: 0 (0) _____ 1 (1) _____ 2 (2) _____ 3 (4) 4-5 (6) _____ 6-9 (8) _____ 9+ (10) _____

Negligence: None (0) _____ Low (10) _____ Moderate (15) _____ High (20)

Knowing Violation: No Yes _____ Repeat _____

Good Faith in Abatement: Lack of good faith (+15%) _____

No compliance (extenuating circumstances) (0%) Extra effort (-15%) _____

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

White- Company
Blue-Inspector
Green-Charleston
Canary-Regional Office
Pink-Post
Goldenrod-Rep of Mines

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Region 3
Case No. 027-0748
Violation No. 1

NOTICE OF VIOLATION

Company / Operator Independence Coal Co. Contractor: Yes No
Permit Number S-5023 96 Mine Name Twilight M.T.B.
Date of Issue OCT 15 2003 Time 9:00 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _____, Article _____, Section _____ and/or West Virginia Administrative Regulation: Title 56, Series 3, Section 42.3(a) exists as follows:

The Ford F 350 patrol Van #LT 112, the safety equipment was not maintained in a safe working condition. The flashing strobe lights mounted on the roof of the Van was inoperative. The strobe light is used in darkness, fog, dust EXT. for better visibility.

Type of Issuance: N.O.V. Order _____
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ a.m. _____ p.m. on _____ 20____
The foregoing violation was totally abated by 8:00 a.m. p.m. on 9-25 2003

Action taken to abate the violation: The operator has chosen to take the patrol vehicles out of service if the strobe lights are inoperative.

Company / Operator Agent Served: Ty Coleman

Authorized Representative: R D Bailey Inspector No. 077

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:

Likelihood of Occurrence: Unlikely: *(0) _____ Reasonably likely (10) Occurred (20) _____
Severity of Injury Expected: None: *(0) _____ No lost work days *(6) _____ Lost or restricted days (11)
Permanently disabling (15) _____ Fatal (20) _____
No. of Persons Potentially Affected: 0 (0) _____ 1 (1) _____ 2 (2) _____ 3 (4) _____ 4-5 (6) 6-9 (8) _____ 9+ (10) _____
Negligence: None (0) _____ Low (10) Moderate (15) _____ High (20) _____
Knowing Violation: No Yes _____ Repeat _____
Good Faith in Abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) Extra effort (-15%) _____

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 3
Case No. 057-0548
Violation No. 2

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Company / Operator Independence Coal Co Contractor: Yes No
Permit Number J-5022 91 Mine Name Tanlight M.T.R
Date of Issue Oct 15 2003 Time 9:30 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter _____, Article _____, Section _____ and/or West Virginia Administrative Regulation: Title 56, Series 3, Section 42.3(2) exists as follows:

The Ford F 190 rock truck # RT 729, the safety equipment was not maintained in a safe working condition. The right side view camera was inoperative. The side camera is used to view vehicles and other equipment on the off side of the rock truck.

Type of Issuance: N.O.V. Order _____
Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by _____ a.m. _____ p.m. on _____ 20____
The foregoing violation was totally abated by 2:30 a.m. p.m. on 9-30 2003

Action taken to abate the violation: _____
A new camera ext mining was installed

Company / Operator Agent Served: Ty Coleman

Authorized Representative: D D Bailey Inspector No. 2027

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment:
Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) _____ Occurred (20) _____
Severity of Injury Expected: None: *(0) _____ No lost work days *(8) Lost or restricted days (11) _____
Permanently disabling (15) _____ Fatal (20) _____
No. of Persons Potentially Affected: 0 (0) _____ 1 (1) _____ 2 (2) _____ 3 (4) _____ 4-5 (8) _____ 6-9 (8) _____ 9+ (10) _____
Negligence: None (0) _____ Low (10) _____ Moderate (15) _____ High (20) _____
Knowing Violation: No _____ Yes _____ Repeat _____
Good Faith in Abatement: Lack of good faith (+15%) _____
No compliance (extenuating circumstances) (0%) Extra effort (-15%) _____

IF-O20-IPA
Rev. 5/02

White- Individual
Canary -Region
Pink- Charleston

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1815 Washington Street, East, Charleston, WV 25311-2126

Notice of Individual Violation

Case Number: 027-0750

Name of person charged: Gordon S Mills II Social Security Number: [REDACTED]-9335
Address: RT 1 Box 1318 Delbarton W.Va. 25670
Home phone number: (304) 475-3924 Certification number: 07 L-4193
Applicable type of certification: Surface Coal mine
Name of mine operator/company: Independence Coal Co. Mine: Twilight M.T.R.
Date: OCT 15 20 03 Time: 2:00 A.M. P.M.
Location of violation: Hitachi 2500 PIT

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter _____ Article _____ Section _____ and/or Administrative Regulation _____
Title 56 Series 3 Section 34.4(a) in that you were:

The Euclid R190 RT 729 haulage truck operator Gordon Mills did not make sure your truck path was unobstructed, especially when starting or moving the truck forward or backward. The partial Van had approached the front of the rock truck from the off side to deliver supplies. You heard Matt Adkins driver of the partial Van say come and get your supplies, thinking Mr. Adkins was in the Hitachi 2500 excavator you proceeded forward without making a video monitor or visual check of the front of the truck, which resulted in a fatal accident.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) _____ Occurred (20)
Severity of Injury normally expected: None (0) _____ No lost work days (5) _____
Lost workdays/restricted days (10) _____ Permanently disabled (15) _____ Fatal (20)
Number of persons potentially affected: 0 (0) _____ 1 (5) _____ 2 (10) _____ 3 (15) 4-5 (20) _____
6-9 (25) _____ more than 9 (30) _____
History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____
Total Points: _____
Authorized representative: R.D. Bailey
Assessment Officer: Harry Jimmell
Assessment Review Officer: _____

IF-020-HPA
Rev. 5/02

White- Individual
Canary -Region
Pink- Charleston

State of West Virginia
OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street, East, Charleston, WV 25311-2128

Notice of Individual Violation

Case Number: 077-0749

Name of person charged: Matthew Adkins Social Security Number: [REDACTED]-9454

Address: P.O. Box 52 West Hamlin W.Va. 25571

Home phone number: (204) 824-2393 Certification number: 02-3-2755

Applicable type of certification: Surface Coal Miner

Name of mine operator/company: Independence Coal Co. Mine: Twilight M.T.R.

Date: OCT 15 20 03 Time 1:30 A.M. P.M.

Location of violation: Hirachi 2500 pit

Notice is hereby given that you have been found in violation of the following: West Virginia Code,

Chapter _____ Article _____ Section _____ and/or Administrative Regulation _____

Title 56 Series 3 Section 34.4(k) in that you were: _____

The driver of the patrol van Matt Adkins did not make sufficient radio or visual contact with Gordon Mills an operator of a haulage truck, to insure that it is safe to approach the truck. Mr. Adkins did not warn and make clear to the rock truck driver that he was approaching the off side of the rock truck and proceeding to the front of the truck to deliver supplies which resulted in a fatal accident.

Proposed Order of Assessment

Likelihood of occurrence: Unlikely (0) _____ Reasonably likely (10) _____ Occurred (20)

Severity of injury normally expected: None (0) _____ No lost work days (5) _____

Lost workdays/restricted days (10) _____ Permanently disabled (15) _____ Fatal (20)

Number of persons potentially affected: 0 (0) _____ 1 (5) _____ 2 (10) _____ 3 (15) _____ 4-5 (20)

6-9 (25) _____ more than 9 (30) _____

History of prior violations during past thirty-six (36) months: 0 (0) _____ 1 (15) _____ 2 or more (30) _____

Total Points: _____

Authorized representative: R. D. Bailey

Assessment Officer: Harry Jimmelle

Assessment Review Officer: _____