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West Virginia Office of Miners' Health, Safety and Training

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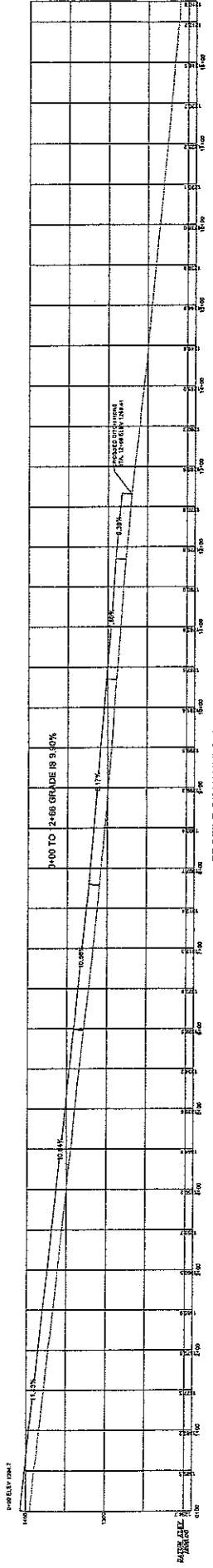
June 10, 2004

Fatal Coal Truck Haulage Investigation Report  
Tug Valley Coal Processing  
Preparation Plant No. 1  
Aldrich Branch Impoundment Haulage Road  
Permit No. L-232

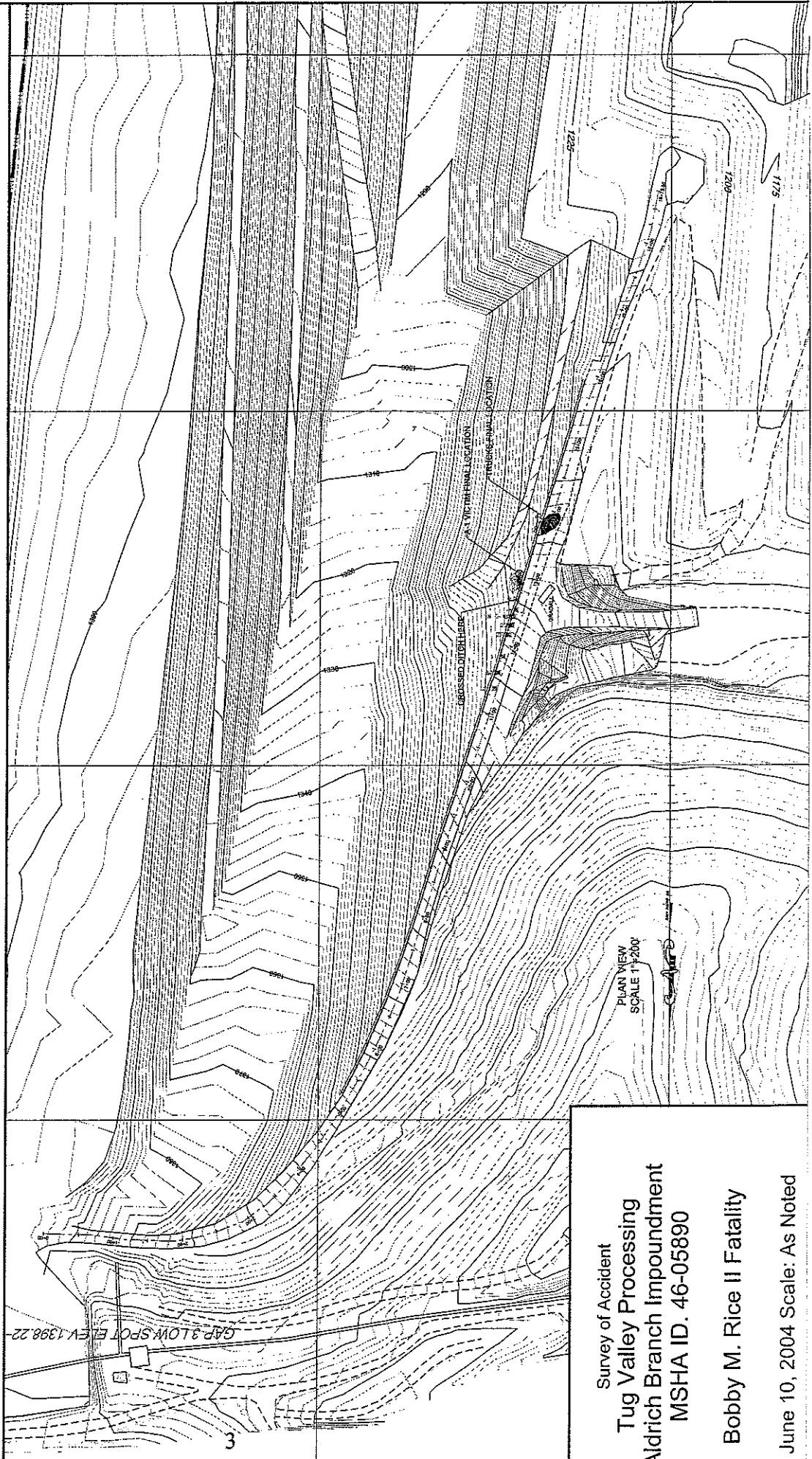
Region Three – Danville Office  
137 Peach Court, Suite 2  
Danville, West Virginia 25053  
Harry Linville, Inspector-at-Large

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PROFILE OF HAULROAD  
SCALE 1"=200' H&V

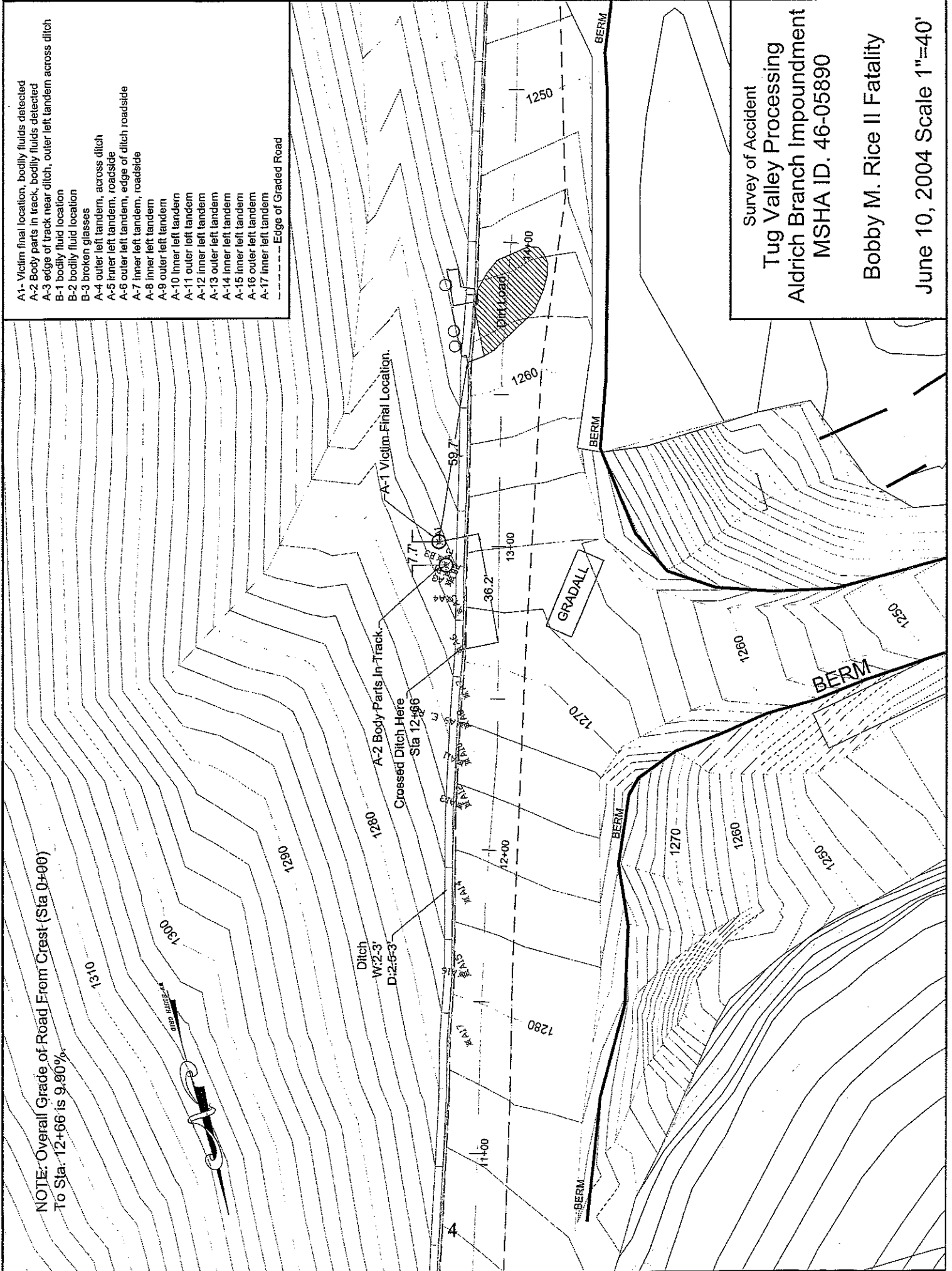


PLAN VIEW  
SCALE 1"=200'

Survey of Accident  
 Tug Valley Processing  
 Aldrich Branch Impoundment  
 MSHA ID. 46-05890  
 Bobby M. Rice II Fatality  
 June 10, 2004 Scale: As Noted

NOTE: Overall Grade of Road From Crest (Sta 0+00)  
To Sta. 12+66 is 9.90%.

- A1- Victim final location, bodily fluids detected
- A-2 Body parts in track, bodily fluids detected
- A-3 edge of track near ditch, outer left tandem across ditch
- B-1 bodily fluid location
- B-2 bodily fluid location
- B-3 broken glasses
- A-4 outer left tandem, across ditch
- A-5 inner left tandem, roadside
- A-6 outer left tandem, edge of ditch roadside
- A-7 inner left tandem, roadside
- A-8 inner left tandem
- A-9 outer left tandem
- A-10 inner left tandem
- A-11 outer left tandem
- A-12 inner left tandem
- A-13 outer left tandem
- A-14 inner left tandem
- A-15 inner left tandem
- A-16 outer left tandem
- A-17 inner left tandem
- Edge of Graded Road



Survey of Accident  
 Tug Valley Processing  
 Aldrich Branch Impoundment  
 MSHA ID. 46-05890  
 Bobby M. Rice II Fatality  
 June 10, 2004 Scale 1"=40'

**Fatal Coal Truck Haulage Investigation Report**  
**Tug Valley Coal Processing**  
**Preparation Plant No. 1**  
**Aldrich Branch Impoundment Haulage Road**  
**Permit No. L-232**

**GENERAL INFORMATION**

A fatal haulage accident occurred on Thursday, June 10, 2004 at the Marrowbone Development Company's Tug Valley Coal Processing, Preparation Plant No. 1. The accident occurred on the Aldrich Branch Impoundment access road at a point approximately three hundred (300) yards down from the impoundment crest at approximately 12:30 p.m. resulting in the death of Robert M. Rice II, age 52, of Kermit, West Virginia. Mr. Rice was hauling a load of dirt in a 10-wheeled dump truck that went out of control as he was descending a grade from the Aldrich Branch Impoundment. The truck ran into a ditch on the left side of the road. Mr. Rice apparently jumped or was ejected from the cab before the truck overturned. The truck overturned onto the passenger's side into the haul road approximately sixty (60) feet from where Mr. Rice was run over by the truck's rear wheels.

The accident was reported to the Office of Miners' Health, Safety and Training at approximately 2:10 p.m. by Marrowbone Development Company's safety director, Roger Runyon. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

The Marrowbone Development Company's Tug Valley Coal Processing, Preparation Plant No. 1 and the Aldrich Branch Impoundment have been idle since January 2004. The comprehensive safety program annual review documents received from Marrowbone Development Company indicate that the operation is temporarily inactive. The site was last inspected by the Office of Miners' Health, Safety and Training on November 10, 2003. Marrowbone Development Company originally began operating during the late 1970s.

**DESCRIPTION**

Marrowbone Development Company employees Glen Ray Brewer and Gary Walker began their shift on Thursday, June 10, 2004 at their normal starting time of 7:00 a.m. Brewer and Walker had been sent to the Tug Valley Coal Processing site from Triad Mining, which is part of the Marrowbone Development Company property. Brewer and Walker began the day by hauling a load of water to wet the haul road to the Spruce Creek stockpile on the Marrowbone Development Company property. Brewer stated that he performed a pre-operational check of the truck at the start of the shift. The truck was a Mack 8 Speed RD 800 Tandem Dump. Brewer drove the truck during the first trip. Walker then drove the truck to haul an additional three loads of water.

Around 10:30 a.m. Brewer and Walker used the Mack truck to haul a load of mud to the top of the Aldrich Branch Impoundment. Brewer then dropped Walker off at a D-8 bulldozer on the return trip. Walker trammed the bulldozer to the top of the impoundment and began work on the impoundment.

Brewer then returned to the guard station at the bottom of the impoundment access road where he picked up Robert M. Rice II at approximately 11:00 a.m. Brewer and Walker had determined that one of the truck's tailgate latches was broken, rendering the truck unfit to haul mud. Supervisor, Billy Runyon had called the guard station from the Triad Mining site to advise Brewer to pick up Rice and use the truck to haul dirt from an area at the top of the impound back down to the bottom to be used to rebuild a sump.

The Mack 8 Speed RD 800 truck was leased from Lee Sartin Trucking whose truck garage was located approximately a half mile from the guard station at the bottom of the impoundment access road. Brewer and Rice drove the truck to the Lee Sartin Trucking garage hoping to exchange it for another truck. However, no other truck was available. They returned to the impoundment access road area and ate lunch. Brewer then used the grade-all to load material into the truck. Rice then drove the truck to the top of the impoundment and dumped the material while Brewer followed in the grade-all.

After Brewer arrived at the top of the impoundment he used the grade-all to load seven to ten buckets at one yard per bucket into the truck. Rice then started down the impoundment access road at approximately 12:30 p.m. Larry Hall, field technician for Esmers and Associates, was sitting in his pick-up truck at approximately the mid-point on the top of the impoundment. While parked at this spot for lunch, Hall looked down to his left to see the Mack truck begin its descent on the impoundment access road. Hall stated that the truck appeared to be moving slowly, and he saw nothing he considered unusual. Hall looked away as he continued with his lunch. Hall stated that he then heard a crashing sound and immediately looked down toward the impoundment access road where he saw dust rising from the road. Sensing that an accident had occurred, Hall called to Brewer on the radio and then went immediately to the accident site.

Hall estimated that he arrived at the accident site within two minutes. Hall stated that he found Rice in a sitting position on the uphill side of the road. The truck was located approximately sixty (60) feet farther down the road overturned onto its passenger's side. Brewer trammed the grade-all to the site and arrived shortly after Hall. The men could see that Rice's left leg had been severed and was bleeding severely. Brewer held the left leg to help control bleeding while Hall went to call for assistance.

Security guards/emergency medical technicians, Ramona Marcum and Gary Damron went immediately to the site after being notified by Hall. Damron arrived first and was followed shortly by Marcum. They administered first aid until the Stat Ambulance arrived.

### FINDINGS OF FACT

1. The truck involved in this accident was a Mack RD 800 tandem dump truck. The vehicle serial number was 1M2P2C3RM001823.
2. Backhoe operator Glen R. Brewer estimated that the truck had been loaded with seven to ten buckets at one yard per bucket prior to the accident.
3. Brewer had personally operated the truck earlier in the day and had performed the pre-operational checks.

4. The truck was equipped with an eight-speed transmission with four low range gears and four high range gears. The transmission was found in the fifth gear (first gear in the high range) after the accident.
5. The truck's right front brake was not equipped with a type 30-brake chamber consistent with all other brake chambers on the truck. The right front brake shoes were contaminated with oil and grease when examined after the accident. The right front tandem was inoperable because the brake "spider" was broken where the brake shoes are attached allowing the shoes to move inside the brake drum and a small portion of the shoe that was touching the drum was worn into the metal. The right front and left rear tandems turned as the vehicle was towed a short distance with the parking brake applied after the accident.
6. The seat belt latch cover for the driver's seat was missing and the latch would stick in the unlocked position. It was necessary to manually lift up on the latch to connect the belt in the locked position. The belt would not lock with the latch in a downward position. The latch was found in the up position after the accident. It is not known if Mr. Rice understood the condition of the seat belt latch.
7. The haulage road grade was measured over a range of 11.43% to 9.39%. (See profile on page 3.) The accident occurred at a location approximately 1,275 ft. down from the haulage road's crest at the top of the Aldrich Branch Impoundment.

### CONCLUSION

The Mack RD 800 went out of control crossing a ditch onto an embankment before overturning. The driver jumped or was ejected and was run over by the truck's rear wheels before it overturned.

### ENFORCEMENT ACTION

The following notice of violation contributed to this occurrence.

**Title 36, Series 18, Section 4.1:** The Mack RD 800 tandem truck, serial number 1M2P282C3RM001823, was not maintained in safe operating condition. The right front brake was not equipped with a type 30-brake chamber, possibly a type 24. All other brake chambers on the truck were type 30. The right front shoes were contaminated with oil and grease. The right front tandem spider was broken where the brake shoes are attached letting the shoes move in the drum. A small portion of the shoe that was touching the drum was worn into the metal. When towing the truck after the accident with the parking brake applied the left rear tandem and the right front tandem wheels were turning.

The following notice of violation may have contributed to this occurrence.

**Title 36, Series 18, Section 4.1:** The Mack RD tandem truck, serial number 1M2P2C3RM001823, was not maintained in safe operating condition. The seat belt latch cover was missing and the latch would stick in the unlocked position. A person had to manually lift up on the latch to connect the belt in the locked position. The belt would not lock with the latch in the downward position.

### RECOMMENDATIONS

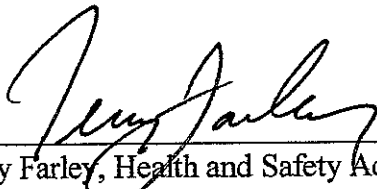
Tug Valley Coal Processing will undertake the following remedial measures.

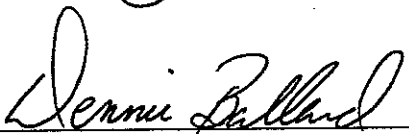
1. Retrain all employees involved in the operation or maintenance of 10-wheel trucks on:
  - a). Proper procedures for operating a 10-wheel truck, including gear selection on grades,
  - b). Controlling a 10-wheel truck with engine or brake problems, including proper procedures for stopping the truck and detailed instructions of how the emergency brake system works following a loss of air pressure. This retraining will also include instruction on the recommendation of staying in the cab of the truck at all times as the truck is being brought under control,
  - c). Performance of pre-operational checks, including checking seatbelts on 10-wheel trucks, and
  - d). Operator testing of brakes and emergency brake systems on 10-wheel trucks.
2. Re-instruct all employees on the importance and requirement of the use of seatbelts at all times. Further, inspect all seatbelts on company and leased equipment to ensure the seatbelts are in proper working condition.
3. Implement a program for inspections of 10-wheel trucks when they are first brought on to the Tug Valley site or put into operation. The chief of maintenance, or his designee, and a committeeman, or his designee, with maintenance experience will inspect the vehicles, including braking systems.
4. Additional speed signs will be posted on the Impoundment haul road along with grade, escape ramps and emergency stop area indicators, where possible.
5. Establish a safe brake testing area on a grade where operators may test primary and emergency brake systems on 10-wheel trucks.
6. All 10-wheel truck braking systems will be inspected at least semi-annually by a qualified person to ensure the braking system is in proper working order. These inspections may include the pulling of wheels to inspect the brake system and its components, if necessary.




**ACKNOWLEDGMENT**

The Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Tug Valley Coal Processing, the United Mine Workers of America, and the Mine Safety and Health Administration during this investigation.

  
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Terry Farley, Health and Safety Administrator 7-28-04  
Date

  
\_\_\_\_\_  
Dennie Ballard, Assistant Inspector-at-Large 8-2-04  
Date

  
\_\_\_\_\_  
Randall Bailey, Surface Inspector 8-2-04  
Date

  
\_\_\_\_\_  
Richard Boggess, District Inspector 8-2-04  
Date

## **APPENDIX**

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

### MINE INFORMATION

COMPANY Tug Valley Coal Processing

MINE NAME Preparation Plant No. 1

WV PERMIT L-232

ADDRESS P. O. Box 119 Naugatuck, West Virginia 25685

COUNTY Mingo

DATE PERMIT ISSUED December 6, 1982

WORKING STATUS Inactive

LOCATION Approximately one mile off Rt. 65 at Naugatuck, West Virginia

UNION X NON-UNION \_\_\_\_\_

DAILY PRODUCTION N/A ANNUAL PRODUCTION TO DATE N/A

TOTAL EMPLOYEES None

NUMBER OF SHIFTS Plant inactive

COAL SEAM NAME AND THICKNESS Not applicable

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Not applicable

WVOMHST INSPECTOR Richard Boggess

DATE OF LAST INSPECTION November 10, 2003

NOTIFIED BY Roger Runyon

NOTIFICATION TIME 2:10 p.m. June 10, 2004

CMSP – ANNIVERSARY DATE March 1, 2005

CMSP – CONTACT PERSON Roger Runyon

VICTIM INFORMATION

NAME Robert M. Rice II

ADDRESS P. O. Box 478 Kermit, West Virginia 25674

TELEPHONE NO. (606)395-6586 AGE 52 SOCIAL SECURITY NO. [REDACTED]-7187

AVERAGE NUMBER OF DAYS WORKED PER WEEK 4

AVERAGE NUMBER OF HOURS WORKED PER WEEK 40 PER DAY 10

LENGTH OF SHIFTS AT THIS MINE 10 hr. TRAVEL TIME TO/FROM WORK 30 min.

OCCUPATION AT TIME OF ACCIDENT Truck Driver

REGULAR OCCUPATION Heavy Equipment Operator

COAL MINER'S CERTIFICATION L-1870 (Surface)

OTHER CERTIFICATIONS None known

SPOUSE'S NAME None

DEPENDENTS 0

DATE OF ACCIDENT: 10<sup>th</sup> DAY OF June 2004 AT 12:30 O'CLOCK p.m.

CAUSE OF ACCIDENT: The Mack RD 800 went out of control crossing a ditch onto an embankment before overturning. The victim jumped or was ejected and was run over by the truck's rear wheels before if overturned.

DATE OF DEATH: 10<sup>th</sup> DAY OF June 2004

## SUPPLEMENTAL INFORMATION

None provided.

### INVESTIGATION

The following persons were present for the onsite investigation on June 10, 2004.

#### MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Terry Whitt	Vice President, Human Resources
Curt Wiettenhiller	Idle Properties
Roger Runyon	Safety Director
Bill Runyon	Foreman
Mark Heath	Attorney

#### UNITED MINE WORKERS OF AMERICA

Glen Brewer	Equipment Operator
Scott Erwin	Equipment Operator
Steve Meddings	Equipment Operator
Gary Walker	Equipment Operator

#### MINE SAFETY AND HEALTH ADMINISTRATION

Bill Gillenwater	Supervisor
Stephen Gigliotti	Supervisor
Sherman Slaughter	Accident Investigator
Vicki Mullins	Inspector
Chris Weaver	Inspector

#### MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Dennie Ballard	Assistant Inspector-at-Large
Richard Boggess	District Inspector

#### OTHERS

Larry R. Hall	Esmers and Associates
Eddie Curry	J. & A. Consulting, Inc.
Alan Coffey	Tug Valley Surveying, Inc.

## INTERVIEWS

The following persons were present for the interviews conducted on June 11, 2004.

### MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Terry Whitt	Vice President, Human Resources
Roger Runyon	Safety Director
Bill Runyon*	Foreman
Garry Damron*	Security
Ramona Walker*	Security
Mark Heath	Attorney

### UNITED MINE WORKERS OF AMERICA

Scott Erwin	Equipment Operator
Glen Brewer*	Equipment Operator
Gary Walker*	Equipment Operator

### MINE SAFETY AND HEALTH ADMINISTRATION

Bill Gillenwater	Supervisor
Stephen Gigliotti	Supervisor
Terry Marshall	Tech Support
Vicki Mullins	Inspector

### MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Dennie Ballard	Assistant Inspector-at-Large
Randall Bailey	Surface Inspector
Richard Boggess	District Inspector

### OTHERS

Larry Hall*	Esmers and Associates
Eric Sartin*	Sartin Trucking Company

(\* denotes those interviewed)

## INVESTIGATION

The following persons were present during the onsite investigation on June 15, 2004.

### MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Roger Runyon	Safety Director
Bill Runyon	Foreman
Bob Peters	Maintenance
George Tate	Electrician
Mark Heath	Attorney

### UNITED MINE WORKERS OF AMERICA

Rick Glover	International Safety Representative
Glen Brewer	Equipment Operator
Scott Erwin	Equipment Operator
Steve Meddings	Equipment Operator
Jeff Pannell	Equipment Operator
Cletus Sartin, Jr.	Equipment Operator
Gary Workman	Equipment Operator

### MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter	Accident Investigator
Terry Marshall	Tech Support

### MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Dennie Ballard	Assistant Inspector-at-Large
Randall Bailey	Surface Inspector
Richard Boggess	District Inspector

### OTHERS

John Bush	Cook Tires
Eric Sartin	Lee Sartin Trucking Company
David Shue	Lee Sartin Trucking Company

## INTERVIEWS

The following persons were present for the interviews conducted on June 15, 2004.

### MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Roger Runyon	Safety Director
Mark Heath	Attorney

### UNITED MINE WORKERS OF AMERICA

Scott Erwin	Equipment Operator
Steve Meddings*	Equipment Operator

### MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter	Accident Investigator
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### MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Dennie Ballard	Assistant Inspector-at-Large

(\* denotes those interviewed)

## INVESTIGATIONS

The following persons were present for the onsite investigation on June 16, 2004.

### MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Bill Runyon	Foreman
Bob Peters	Maintenance

### UNITED MINE WORKERS OF AMERICA

Glen Brewer	Equipment Operator
Scott Erwin	Equipment Operator
Steve Meddings	Equipment Operator
Cletus Sartin, Jr.	Equipment Operator



MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter  
Terry Marshall

Accident Investigator  
Tech Support

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley  
Randall Bailey  
Richard Boggess

Health and Safety Administrator  
Surface Inspector  
District Inspector

OTHERS

John Bush  
David Shue

Cook Tires  
Lee Sartin Trucking

The following persons were present for the onsite investigation on June 17, 2004.

MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin  
Roger Runyon  
Bob Peters

President  
Safety Director  
Maintenance

UNITED MINE WORKERS OF AMERICA

Glen Brewer  
Scott Erwin  
Steve Meddings  
Cletus Sartin, Jr.

Equipment Operator  
Equipment Operator  
Equipment Operator  
Equipment Operator

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter  
Terry Marshall

Accident Investigator  
Tech Support

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley  
Randall Bailey  
Richard Boggess

Health and Safety Administrator  
Surface Inspector  
District Inspector

OTHERS

John Bush  
David Shue

Cook Tires  
Lee Sartin Trucking

The following persons were present for the onsite investigation on June 18, 2004.

MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Roger Runyon	Safety Director
Bob Peters	Maintenance

UNITED MINE WORKERS OF AMERICA

Scott Erwin	Equipment Operator
Steve Meddings	Equipment Operator
Cletus Sartin, Jr.	Equipment Operator

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter	Accident Investigator
Terry Marshall	Tech Support

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Health and Safety Administrator
Randall Bailey	Surface Inspector
Richard Boggess	District Inspector

OTHERS

John Bush	Cook Tires
David Shue	Lee Sartin Trucking

The following persons were present for the onsite investigation on June 22, 2004.

MARROWBONE DEVELOPMENT COMPANY

Robert Baldwin	President
Bob Peters	Maintenance

UNITED MINE WORKERS OF AMERICA

Steve Meddings	Equipment Operator
Cletus Sartin, Jr.	Equipment Operator

MINE SAFETY AND HEALTH ADMINISTRATION

Sherman Slaughter  
Terry Marshall

Accident Investigator  
Tech Support

MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley  
Randall Bailey  
Richard Boggess

Health and Safety Administrator  
Surface Inspector  
District Inspector

OTHERS

David Adkins  
John Bush  
David Shue

Worldwide Equipment  
Cook Tires  
Lee Sartin Trucking