

West Virginia Office of Miners' Health, Safety and Training

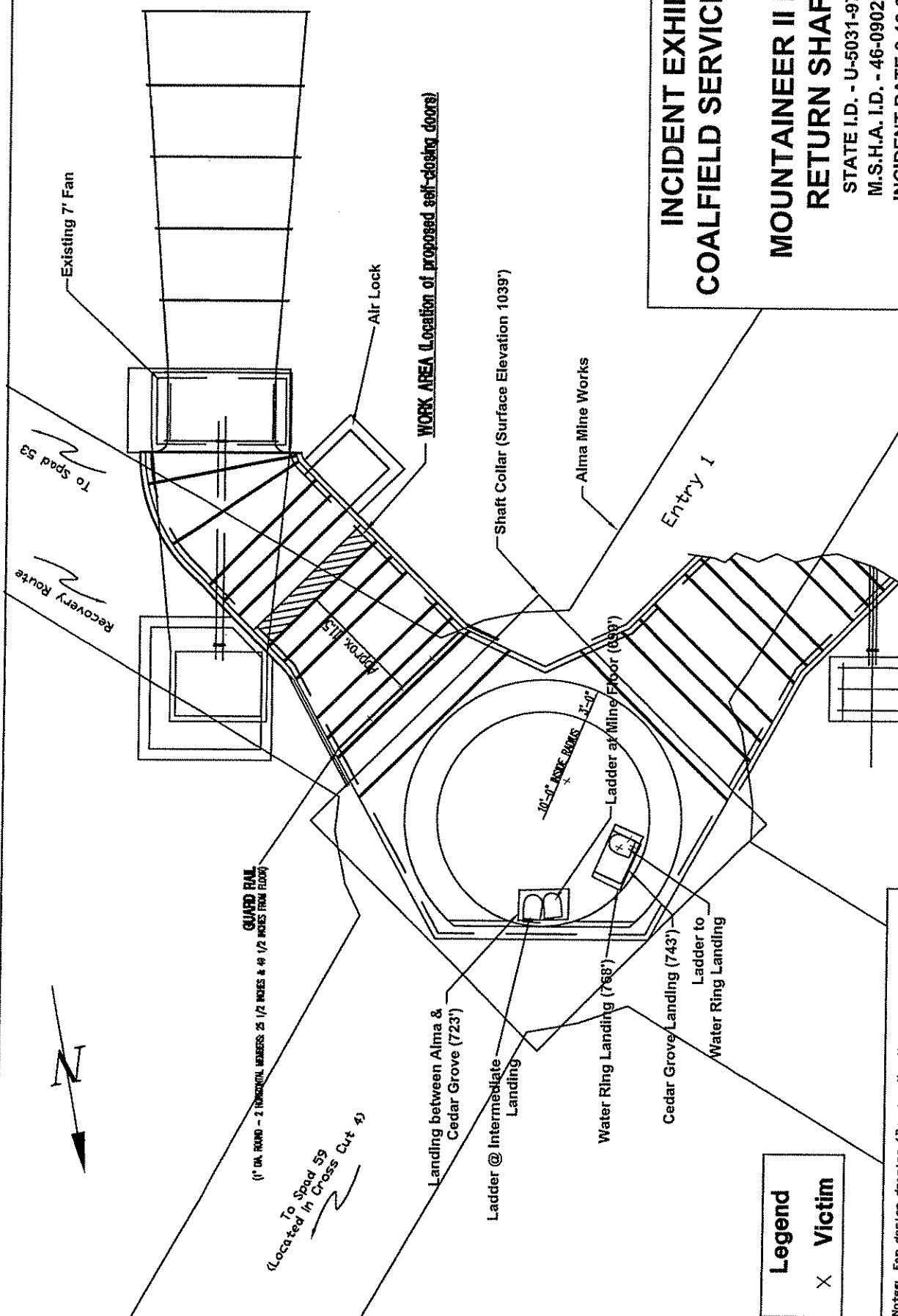
September 16, 2007

Fall Fatality  
Coalfield Services, Inc.  
Permit Number C-1125  
Independent Contractor at  
Mingo Logan Coal Company  
Mountaineer II Mine  
Permit Number U-5031-97

Region Three – Danville Office  
137 Peach Court, Suite 2  
Danville, WV 25053  
Eugene White, Inspector-at-Large

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**INCIDENT EXHIBIT**  
**COALFIELD SERVICES, INC.**

**MOUNTAINEER II MINE**  
**RETURN SHAFT**

STATE I.D. - U-5031-97  
 M.S.H.A. I.D. - 46-09029  
 INCIDENT DATE 9-16-07  
 SURVEY DATE 9-17-07  
 SCALE:NTS

**Legend**  
 X Victim

Notes: Fan design drawing (Drawing No. Mountaineer-LI-4) provided by Coalfield Services, Inc., and has been modified to show clarity.  
 Elevations shown in red are approximate.

FALL FATALITY  
COALFIELD SERVICES, INC.  
PERMIT NUMBER C-1125  
INDEPENDENT CONTRACTOR AT  
MINGO LOGAN COAL COMPANY  
MOUNTAINEER II MINE  
PERMIT NUMBER U-5031-97

### General Information

Mr. Robert D. Fraley, an employee of Coalfield Services, Inc., was fatally injured on September 16, 2007 at approximately 6:50-7:00 a.m. when he apparently fell down a return airshaft at the Mingo Logan Coal Company, Mountaineer II Mine. Mr. Fraley was 53 years of age and had been employed by Coalfield Services, Inc. since July 1997. He had a total of 33 years of experience working in or about coal mines. He possessed an underground West Virginia coal miners certification, underground mine foreman fireboss certification, electrical certification and 40-Hour and 80-Hour Instructor certifications. Mr. Fraley was employed as electrician, fireboss and laborer. Mr. Fraley received annual refresher training on October 13, 2006.

Coalfield Services, Inc. is an independent contractor, which provides site preparation, construction, and maintenance services. The company initially registered with the Office of Miners' Health, Safety and Training on December 8, 1994. The company's corporate headquarters is located in Wytheville, Virginia. Mr. Fraley, along with other Coalfield Services, Inc. employees, Darrell Spencer and Jesse Williams, were utilizing a gasoline powered concrete grinder/shaver to grind/level the platform in the return airshaft fan housing. The work was being done in preparation for the installation of louver doors inside the return airshaft fan housing.

The Mingo Logan Coal Company received an underground mining permit to open the Mountaineer II Mine on September 23, 2004. The mine employs 165 people on three shifts. The mine utilizes a swing shift rotation at eight-week intervals for production employees on the day and evening shifts. Three continuous mining sections were in operation with a longwall scheduled to start in late September 2007. Coal is mined in the Alma seam. The mine utilizes three shafts and one slope. Employees and supplies are transported on a track-mounted hoist and diesel powered track vehicles.

### Description

On Saturday, September 15, 2007 Coalfield Services, Inc. employees Robert D. Fraley, Jesse Williams, and supervisor, Darrell Spencer, reported to the Mountaineer II Mine at approximately 11:45 p.m. Coalfield Services, Inc. had been contracted to level the concrete platform located within the fan housing at the return airshaft. The work was scheduled for the midnight shift on September 16, 2007 because the mine fan had to be shut down to allow the work to be done

within the fan housing. Mr. Fraley and Mr. Williams reported to Shawn Grimmatt, Mountaineer II Mine midnight shift foreman/fireboss upon arrival.

Since men were still working underground, Mr. Fraley and Mr. Williams waited until all persons were outside, and the fan was shut down at 1:17 a.m. The work then began inside the fan housing with Mr. Fraley operating the gasoline powered concrete grinder/shaver during the first part of the shift. The work proceeded until an alarm on the Solaris multi-gas detector being used sounded early in the shift. Mr. Fraley contacted midnight shift foreman/fireboss, Shawn Grimmatt who came to the site and made an examination. Mr. Grimmatt stated that Mr. Fraley had told him that he had read 2.0 % methane on his Solaris detector. Mr. Grimmatt made an examination at the same location with his detector which indicated 0.2 % methane. Mr. Grimmatt returned to the mine office to obtain an additional detector and repeated the examination. The second detector obtained by Mr. Grimmatt also indicated 0.2 % methane. The work then continued.

Mr. Williams and Mr. Spencer stated that the door to the fan housing was left open throughout the night to allow dust created by the concrete grinder/shaver to exit the structure. Natural ventilation or airflow from the return airshaft would have moved the dust in the direction of the door. Mr. Williams stated that he stood behind Mr. Fraley while he was operating the concrete grinder/shaver to stay out of the flow of the dust. Mr. Williams stated that he remained near a barrier located between him and the actual shaft opening. The barrier consisted of two horizontal one-inch diameter rails connected by three vertical posts installed from wall to wall.

Coalfield Services, Inc. supervisor, Darrell Spencer, left the site at approximately 2:20 a.m. and traveled to Madison to obtain additional gasoline for the concrete grinder/shaver. Mr. Spencer arrived back at the site at approximately 3:15 a.m. Mr. Spencer, Mr. Williams and Mr. Fraley eventually took a break for lunch at approximately 5:10 – 5:15 a.m. They resumed work at approximately 6:00 a.m. with Mr. Williams operating the concrete grinder/shaver.

Mr. Williams continued to operate the concrete grinder/shaver and last saw Mr. Fraley standing behind him by the barrier. Mr. Williams stated that he had last seen Mr. Fraley as he looked to his rear over his shoulder. Mr. Williams stated that approximately five minutes after he last saw Mr. Fraley he heard a sound and looked to his rear and Mr. Fraley was nowhere to be seen. Mr. Williams then exited the fan housing to locate Mr. Spencer. Based on interviews with various individuals it is estimated that Mr. Williams left the fan house at approximately 7:00 a.m. or within a few minutes thereafter.

Mr. Williams found Mr. Spencer outside the fan housing talking to two men in a pickup truck. The men in the pickup truck were Mountaineer II Mine dayshift foreman, Keith Goins and midnight shift foreman/fireboss, Shawn Grimmatt. Mr. Williams asked Mr. Spencer if he had seen Mr. Fraley. Mr. Spencer and Mr. Williams immediately began a search of the area around the fan housing. Mr. Goins and Mr. Grimmatt went to the Mac Mine Services office, a company that performs outby work underground at the Mountaineer II Mine, where they spoke to Gary Oliver, contract foreman for Mac Mine Services. They then returned to the shaft/fan housing

area around 7:20 to 7:30 a.m. After looking around the area it became apparent that Mr. Fraley was missing so Mr. Goins returned to the mine office to call general mine foreman, Carlos Porter, Jr.

It was then determined that it would be necessary to search the shaft bottom area. The mine fan was re-started at 8:03 a.m. Mr. Grimmatt and Steve Bias, dayshift firebosses were sent underground and at approximately 8:20 a.m. Mr. Grimmatt called from underground to report that Mr. Fraley's body had been found.

The recovery efforts were severely complicated by the nature and location of the accident. The body was eventually brought to the surface at 5:35 p.m., on September 16, 2007.

### **Findings of Fact**

1. The accident occurred within the fan housing connected to the mine's return airshaft. The fan was not in operation.
2. The access door to the fan housing was open to allow dust created by the concrete grinder/shaver to escape. Natural ventilation/airflow from the return airshaft pushed dust out and through the opened door as the work was performed.
3. Dust respirators were being used.
4. A Solaris multi-gas constant monitoring detector was used as the work was performed.
5. A portable electric light tree was used to illuminate the work area.
6. The return airshaft is 20 feet in diameter and tapered approximately 3 feet at the edge. The shaft depth is 336 feet. The shaft is concrete lined
7. A physical barrier / guardrail had been installed at a point 6.5 feet from the shaft opening at the closest point. The barrier extended from wall to wall. The barrier was constructed with two one inch steel horizontal rails extending from wall to wall. Three vertical steel posts connected the horizontal rails. The bottom horizontal rail measured 25.5 inches from the floor. The distance between the top and bottom rails measured 24 inches.
8. Jesse Williams stated that he looked to his rear while operating the concrete grinder/shaver and last saw the victim standing by the barrier / guardrail.
9. The shaft bottom consists of a stairwell extending from the mine floor up approximately 43 feet to the Cedar Grove coal seam turnout and then extending up approximately 25 feet to the water ring assembly.
10. During the initial telephone call to the West Virginia Office of Homeland Security a representative of the mine operator indicated that the victim may have jumped. Therefore, the OMHST considered it necessary to include the West Virginia State Police

in this investigation. The OMHST has received no information from the state police to suggest that foul play was involved or whether the victim's death was or was not self inflicted.

(Autopsy and toxicology information will be provided when the official reports are released by the state medical examiner's office.)

### **Conclusion**

Information gathered by OMHST investigators indicates that the victim for undetermined reasons traveled beyond a physical safety barricade installed to deter access to an open mine airshaft. The victim's body was discovered at the bottom of the mine's return airshaft.

### **Enforcement Actions**

An investigative control order was issued to Mingo Logan Coal Company and Coalfield Services, Inc., for the purpose of preservation of evidence and the protection of the health and safety of employees and for the completion of an investigation by the West Virginia Office of Miners' Health, Safety and Training. There were no violations cited that contributed directly to the accident.

### **Recommendations**

**Mingo Logan Coal Company  
Mountaineer II Mine  
PO Box E  
Sharples, WV 25183  
Phone 304-369-7500**

Mingo Logan Coal Company is committed to the safety of its employees and all persons on its property. Notwithstanding this commitment, on September 16, 2007, at approximately 6:58 a.m., an employee of a contractor fell to his death in a return air shaft at the Mountaineer II mine. The shaft was barricaded.

To prevent a reoccurrence of this event, Mingo Logan will undertake the following remedial measures, some of which are beyond state and federal safety requirements:

Retrain all employees and any contractors working around air shafts at the Mountain Laurel Complex to obey all barricading provisions and never cross over barricades into areas around shafts unless:

- 1) Expressly authorized to do so by a Mingo Logan supervisor, and
- 2) Appropriate safety precautions are taken.

All employees and contractors will be retrained on these provisions as each shift returns to work.

  
Greg Dotson  
Mine Manager

## **Appendix**

- Mine Information Sheet
- Independent Contractor Information Sheet
- Victim Information Sheet
- Persons Present During Investigation



### MINE INFORMATION

COMPANY Mingo Logan Coal Company

MINE NAME Mountaineer II Mine

WV PERMIT U-5031-97 MSHA PERMIT NO. 46-09029

ADDRESS P. O. Box E, Sharples, WV 25183

COUNTY Logan PHONE NO. 304-369-7500

DATE PERMIT ISSUED 09/23/2004

WORKING STATUS Active

LOCATION South of Madison on Rt. 17 at Sharples, WV

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

DAILY PRODUCTION 10,000 Tons ANNUAL PRODUCTION TO DATE 1,600,000

TOTAL EMPLOYEES 275

NUMBER OF SHIFTS 3

COAL SEAM NAME AND THICKNESS Alma

ACCIDENT INCIDENT RATE 2.08 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Belt

WVOMHST INSPECTOR Mike Pauley

DATE OF LAST INSPECTION 09/13/2007

NOTIFIED BY Keith Goins

NOTIFICATION TIME Approximately 8:40 a.m.

CMSP – ANNIVERSARY DATE 10/01/2007

CMSP – CONTACT PERSON Joe Estep

**INDEPENDENT CONTRACTOR INFORMATION**

CONTRACTOR Coalfield Services, Inc.

MINE NAME Mingo Logan Coal Company, Mountaineer II Mine

WV PERMIT NO C00001125

MAILING ADDRESS 2942 Peppers Ferry Road, Wytheville, VA 24382

COUNTY Wythe PHONE NUMBER 276-228-3167

TYPE OF WORK PERFORMED Preparation, Construction, Maintenance Services

WORKING STATUS Active

LOCATION Sharples, WV

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

TOTAL EMPLOYEES 100

NUMBER OF SHIFTS All Shifts

ACCIDENT FREQUENCY RATE 1.856 LOST TIME ACCIDENTS 1

WVOMHST INSPECTOR Mike Pauley @ Mingo Logan Coal Company, Mountaineer II Mine

DATE OF LAST INSPECTION 5/17/06 @ Mingo Logan Coal Company, Mountaineer II Mine

CMSP – ANNIVERSARY DATE 11/01/2008

CMSP – CONTACT PERSON Mike Houseman

**Investigation**

The following persons were present for the initial onsite investigation conducted on September 16, 2007.

Mingo Logan Coal Company

Dave Runion	Vice President/General Manager
Carlos Porter, Jr.	General Mine Foreman
Dickie Estep	Manager of Safety
Keith Goins	Shift Foreman
Aaron Price	Safety Tech
Greg Dotson	Mine Manager
Mark Keyser	Electrician
Guy Farley	Fireboss
Carl Baisden	Director of Mine Training & Energy Technologies

Coalfield Services, Inc.

Larry Porterfield	Supervisor
Michael Houseman	Contract Manager
Darrell Spencer	Foreman
Jesse Williams	Laborer

Mine Safety and Health Administration

Robert G. Hardman	District Manager
Dennis Holbrook	Accident Investigator
Jack Hatfield	Coal Mine Inspector

West Virginia Office of Miners' Health, Safety and Training

Terry Farley	Administrator
Eugene White	Inspector-at-Large
Steve Cox	Assistant Inspector-at-Large
John Kinder	Assistant Inspector-at-Large
Mike Pauley	District Inspector
Willie Barker	Safety Instructor

The following persons were present for the onsite investigation conducted September 17, 2007.

Mingo Logan Coal Company

Carlos Porter, Jr.	General Mine Foreman
Chuck Nelson	Engineer

Chris Laney Engineer

Mine Safety and Health Administration

Dennis Holbrook Accident Investigator

West Virginia Office of Miners' Health, Safety and Training

Terry Farley Administrator  
Eugene White Inspector-at-Large

The following persons were present during the interviews conducted on September 17, 2007.

Mingo Logan Coal Company

Doug Conaway	Arch Coal Company
Dickie Estep	Manager of Safety
Mark Heath	Attorney
Keith Goins*	Shift Foreman
Steve Bias*	Fireboss
Shawn Grimmatt*	Fireboss
Carlos Porter, Jr.*	General Mine Foreman
Willis Cochran*	Maintenance Foreman

\*Denotes persons interviewed

Coalfield Services, Inc.

Larry Porterfield	Supervisor
Michael Houseman	Contract Manager
Darrell Spencer	Foreman

Mine Safety and Health Administration

Dennis Holbrook Accident Investigator

West Virginia Office of Miners' Health, Safety and Training

Ronald L. Wooten	Director
Terry Farley	Administrator
Eugene White	Inspector-at-Large
Mike Pauley	District Inspector

The following persons were present during the interviews conducted on September 18, 2007.

Mingo Logan Coal Company

Doug Conaway	Arch Coal Company
Dickie Estep	Manager of Safety
Mark Heath	Attorney

Coalfield Services, Inc.

Darrell Spencer*	Foreman
Jesse Williams*	Laborer
Jason Wutzman	Dinsmore & Shohl LLP
Robert H, Beatty, Jr.	Dinsmore & Shohl, LLP
Larry Porterfield	Supervisor
Michael Houseman	Contract Manager

\*Denotes persons interviewed

Mine Safety and Health Administration

Dennis Holbrook	Accident Investigator
Steve Toler	Coal Mine Inspector

West Virginia Office of Miners' Health, Safety and Training

Ronald L. Wooten	Director
Terry Farley	Administrator
Eugene White	Inspector-at-Large
Mike Pauley	District Inspector

The following persons were present during the interviews conducted on October 17, 2007.

Mingo Logan Coal Company

Dickie Estep	Manager of Safety
Mark Heath	Attorney
Rodney D. Adkins*	Electrician

\*Denotes person interviewed

Mine Safety and Health Administration

James Maynard	Accident Investigator
Josh McNeely	Inspector (Trainee)

West Virginia Office of Miners' Health, Safety & Training

Terry Farley  
John Kinder

Administrator  
Assistant Inspector-at-Large