
West Virginia Office of Miners' Health, Safety and Training

April 25, 2007

**Report of a Fatal Accident
(Quarry)**

**Capitol Cement Corporation
Martinsburg Plant
Permit No. Q-111-73**

**Region One – Fairmont Office
205 Marion Square
Fairmont, West Virginia 26554
Alan Lander, Inspector-at-Large**

MINE INFORMATION

COMPANY Capitol Cement Corporation

MINE NAME Martinsburg Plant

WV PERMIT NO. Q-111-73

ADDRESS 1826 South Queen St., Martinsburg, WV 25401

LOCATION Martinsburg, West Virginia

UNION X NON-UNION _____

DAILY PRODUCTION 4,931 Metric Tons

ANNUAL PRODUCTION TO DATE 369,857 Metric Tons

TOTAL EMPLOYEES 17 NUMBER OF SHIFTS 3

NAME OF COAL BED N/A SEAM THICKNESS N/A

TYPE OF HAULAGE Truck

WV OMHST INSPECTOR Thomas Shingleton No. 61

DATE OF LAST INSPECTION April 18, 2007

NOTIFIED BY Keith Whetsel

DATE / TIME OF NOTIFICATION April 25, 2007 at approximately 3:00 p.m.

GENERAL INFORMATION

A fatal accident occurred on Wednesday, April 25, 2007, at approximately 2:45 p.m. at Capitol Cement Corporation, Martinsburg Plant, Q-111-73, in Berkley County, West Virginia.

Mr. Charles A. Wroe was fatally injured when the truck he was operating drifted off the haul road and fell approximately 125 feet from the 980 level to the 870 level of the quarry.

DESCRIPTION OF EVENTS

The day shift began operation at 7:00 a.m. on April 25, 2007 at the Capitol Cement Corporation quarry located in Martinsburg, West Virginia in Berkley County. A 992D Caterpillar front end loader, operated by Mr. Todd Greenfield, and (2) two 777C Caterpillar dump trucks, operated by Mr. K.C. McMeans and Mr. Charles Wroe (victim), were assigned to excavate materials on the 870 level in the quarry pit. This entailed loading the materials at the 870 level and hauling the material to the Klondike Dump, located on the 980 level, approximately $\frac{3}{4}$ mile.

The shift proceeded normally and without incident through out the morning. After the noon lunch break, the crew resumed excavating materials. At approximately 2:30 p.m., Mr. Wroe, operating the 777 Caterpillar truck #235, was loaded with waste material and began the trip to the dump. This was to be his last trip for the shift.

Mr. Wroe was traveling on the haulage road that connects the quarry pit to the dump site on the second level. Mr. Wroe was ascending a section of the haulage road that was on a slight uphill grade.

As his truck was ascending the slight uphill grade on the haul road, it began to drift to the right, toward the berm. Evidence indicates the right front tire struck the 5-1/2 feet high berm and climbed over the berm. The truck continued to straddle the berm for approximately sixty (60) feet when the left side tires ran atop of the berm. The truck began to slide down the outer side of the berm and began to roll. The truck rolled several times before coming to rest on the 870 level below, a distance of approximately 125 feet. Mr. Wroe was ejected from the truck at some point during this sequence of events. Mr. Wroe was found near the center of the haulage road on the 870 level, approximately sixty (60) feet from the truck.

Mr. Wroe was pronounced dead at the scene by Mr. Jacobs, the Berkley County Coroner. His remains was transported by Brown's Funeral Home to Charleston, West Virginia Medical Examiner for an autopsy.

INVESTIGATION

Onsite investigations, interviews, tests and re-enactments were conducted at the quarry on April 25th, 26th, and May 1st, 2nd, 3rd, 2007. The following persons were present during onsite investigations, informal interviews, tests and re-enactments.

Thomas Shilling	MSHA
Eugene D, Hennien	MSHA, Tech Support
Victor Lescznske	MSHA
Reede C. Horn	MSHA
James Young	MSHA
Donald Mabin	Miners Representative
Willa Perlmutter	Patton Boggs LLP
Bruce Springer	Capitol Cement Corp.
Danny Lowe	Capitol Cement Corp.
Thomas Shingleton	MHS&T Surface Inspector
Alan Lander	MHS&T Inspector-at-Large
John Meadows	MHS&T Asst. Inspector-at-Large
Ronald Wooten	MHS&T Director
Johnny Hilton	CTG USA LLC
Daniel Wren	ESSROC VP Manufacturing
Derek Nicholls	Capitol Cement Corp. Plant Manager
Mark Fleming	Packer Engineering
Vic Coffinbager	Capitol Cement Corp.
* Charles Kursey	Capitol Cement Corp. Loader Operator
* Scott Donaldson	Capitol Cement Corp. Loader Operator (Afternoon Shift)
* Jeff Ripple	Leadman (Afternoon Shift)
* John Kinhead	Truck Driver (Afternoon Shift)
* Walter Woolum Jr.	D-9 Dozer Operator (Day Shift)
* Keith Whetsel	Foreman (Day Shift)
* Todd Greenfield	Loader Operator (Day Shift)

* Denotes persons interviewed.

FINDING OF FACTS

1. Mr. Wroe showed no evidence of a medical problem during the shift. Mr. Wroe appeared normal.
2. Equipment check listed no defects.
3. Useable seat belts were provided.
4. Road conditions were dry and well maintained.
5. The berm was constructed of earthen material and rock. The berm maintained a height of approximately 5-1/2 feet.
6. Visible tire tracks were evident after the accident, showing the truck gently veering into the right berm.
7. The truck was jointly inspected by state and federal agencies after the accident. No defects were detected.
8. The afternoon shift truck driver of truck # 234 was interviewed, he reported no complaints or defects to the truck.
9. The vims or black box contained no useful information.
10. Mr. Wroe received annual refresher training on March 14, 2007.
11. The Caterpillar dump truck, Model #777C, serial # 4XJ00946 was the truck Mr. Wroe was operating at the time of the accident.
12. The victim had made several trips on the haulage road prior to the accident, without incident.
13. Interview of Keith Whetsel, foreman on day shift – He stated everything was normal during the shift. Towards the end of the shift he signaled Pete to ask him if he wanted to work overtime. Pete laughed and signaled 'No'.
14. CPR was administered after the accident by a classified EMT-Miner in an attempt to revive the victim.
15. Mr. Wroe was pronounced dead at the accident site by Mr. Jacobs, the Berkley County Coroner.
16. Initial examination of the accident site by state, federal agencies, emergency response personnel, and the Berkley County Sheriff Department Deputy, lead investigators to believe the accident resulted from natural causes. Not until this agency was notified by the state medical examiner of the autopsy result, the death was then classified accidental.

NOTICE OF VIOLATION

Notice of Violation No.1 Title 36, series 27, section 10.2

Evidence indicates that Mr. Charles Wroe was not wearing a seat belt on April 25, 2007 at approximately 2:38 p.m., when he was ejected from the operator's cab of a Caterpillar 777C dump truck. The truck drifted off of the haulage road on the 980 level, through a berm and landed approximately 125 feet on the 870 level. The truck rolled several times during this sequence of events, ejecting the victim. Mr. Wroe was found near the center of the 870 level haulage road, approximately 60 feet from the dump truck. Usable and operative seat belts were provided.

ACKNOWLEDGEMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Capitol Cement Corporation and the Mine Safety and Health Administration.

Thomas Shingleton, Surface Mine Inspector

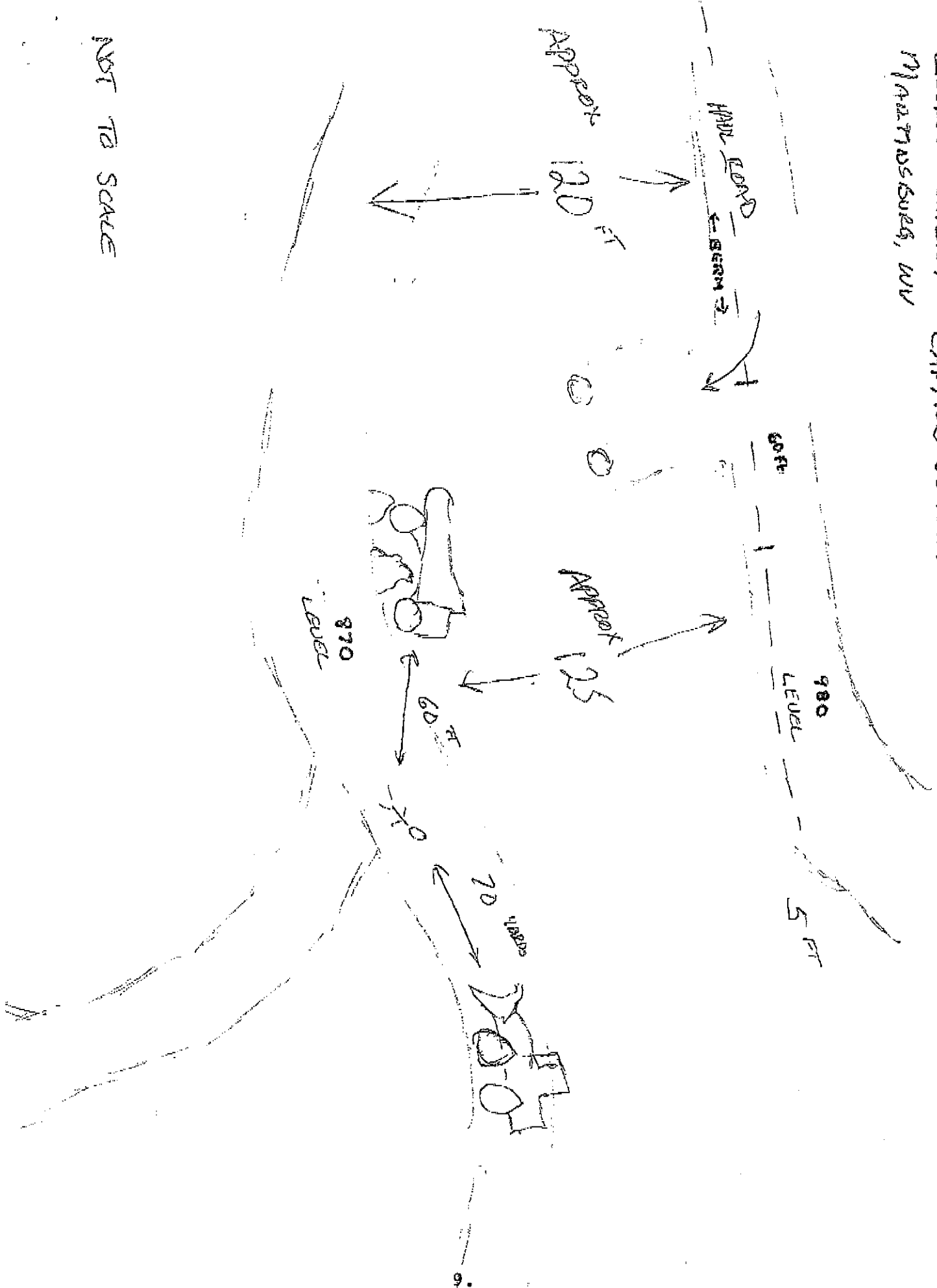
Alan Lander, Inspector-at-Large

John Meadows, Assistant Inspector-at-Large

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ESSKOC CEMENT - CAPITOL CEMENT
MAYNARDSDALE, WV



NOT TO SCALE

Mine Accident and Injury Report

West Virginia Office of Miners' Health, Safety & Training

Website: www.wvminesafety.org Rev. 2/2006
Phone: (304) 558-1425 Fax: (304) 558-1282

Section A: Identification Data

WV PERMIT NUMBER Q-111-73 MSHA ID NUMBER 46-00007 CHECK HERE IF REPORT PERTAINS TO CONTRACTOR WV CONTRACTOR ID NUMBER _____

MINE NAME CAPITOL CEMENT COMPANY NAME (INJURED'S EMPLOYER) MARTINS BURG COUNTY (MINE LOCATION) Bokeley

Section B: Complete for Each Reportable Injury

1. Accident Code - (Circle applicable code - see instructions)
- 01-Death 02-Serious Injury 03-Entrapment 04-Inundation 05-Gas or Dust Ignition 06-Mine Fire 07-Explosives 08-Roof Fall
09-Outburst 10-Impounding Dam 11-Hoisting 12-Offsite Injury 13-Injury Requiring Hospitalization 14-Medical Treatment 15-Loss of Consciousness
16-Inability to Perform Duties 17-Temporary Assignment 18-Transfer to Another Job

Section C: Complete for Each Reportable Accident or Occupational Injury

2. Circle the Codes that best describe where Accident/Injury occurred and mining methods utilized
- (a) Surface Location 02-Surface at Underground Mine 30-Tipple, Preparation Plant, etc. 03-Surface Mine 04 Auger Operation 05-Refuse Area
17-Shops 12 Other/Explain _____
- (b) Underground Location 01-Shaft 02-Slope 03-Face 04-Intersection 06 Track Entry 07 Conveyor Entry 08-Other/Explain QUARRY
(c) Mining Methods Utilized 01 Longwall 02-Conventional 03-Continuous 04 Continuous W/Remote 05 Expanded Cut/Pill
11 Retreat Mining/Pillaring 12 Continuous Haulage

3. Date of Accident 4-26-07 4. Time of Accident 1448 AM PM 5. Time Shift Started 7:00 AM PM

6. Specific Location / Section QUARRY HAUL ROAD

7. Describe Fully the Conditions Contributing to the Accident and Explain any Injuries That Occurred (Be Specific)

FOR REASONS UNKNOWN THE HAUL TRUCK DRIFTED OFFER THE HAUL ROAD AND FELL APPROXIMATELY 125 FEET FROM THE 922ND LEVEL TO THE 870TH LEVEL OF THE QUARRY. THE HAUL TRUCK DRIVER WAS EJECTED FROM THE HAUL TRUCK AND WAS FOUND ON THE SECOND LEVEL HAUL ROAD.

8. Equipment Involved CATERPILLER 777C Type HAULTRUCK Manufacturer CATERPILLER Model Number 777C

9. Name of Witness to Accident / Injury JAKE KURSCY 10. Number of Reportable Injuries Resulting from this Occurrence 1

11. Name of Injured Employee CHARLES ARTHUR WLODE 12. Certification No. NA 13. Sex MALE FEMALE 14. Date of Birth 06/28/1941

15. Social Security Number (last four digits) [REDACTED] 16. Regular Job Title EQUIPMENT OPERATOR 17. Check if injury resulted in permanent disability: (including amputation, loss of use, and permanent total disability) FATAL

18. What Directly Inflicted Injury? EJECTED FROM VEHICLE 19. Nature of Injury FATAL

20. Part of Body Injured or Affected (Be specific) Administered/Hospitalization ALL 21. Nature of Medical Treatment NA

22. Employee's Work Activity When Injury Occurred TRUCK DRIVER

23. Personal Protective Equipment In Use When Accident Occurred (check all that apply)
Hard Hat Glasses Gloves Metatarsal Boots

24. Experience in this Job Title 27 Yrs
25. Experience at This Mine 43 Yrs
26. Total Mining Experience 43 Yrs

Other Personal Safety Equipment (Please Specify) _____

Section D: Return to duty information

27. Permanently Transferred or Terminated, (If checked, do not complete questions 28, 29, 30) 28. Date Returned to Regular Job at Full Capacity Month / Day / Year _____

29. Number of Days Away From Work (If none, enter 0) _____ 30. Number of Days Restricted Work Activity (If none, enter 0) _____

Person Completing Form (Please Print Name and Title) DANNY LOWE, SAFETY MANAGER Signature [Signature]
Date this Report Prepared, (Month, Day, Year) 4-30-2007 Phone Number (Area Code) 304-702-2036 email address DANIEL.LOWE@ESSROC.COM



