
WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY & TRAINING

December 29, 2008

Fatal Drowning Related Report Investigation
McElroy Coal Company
Ireland Loadout
Permit No. 675

Region One – Westover Office
14 Commerce Drive, Suite 101
Westover, WV 26501

Table of Contents

General Information	Page 2
Description	Pages 2, 3
Findings of Fact	Page 4
Conclusion	Page 5
Recommendations	Page 5
Victim Information	Page 6
Mine Information	Page 7
Sketches of Location	Page 8, 9, 10

GENERAL INFORMATION

A drowning accident occurred at approximately 10:00 p.m., on December 29, 2008, at the McElroy Coal Company, Ireland River Loadout. The accident occurred when Mr. Mark McIntyre, age 57, disappeared while checking the moored river barges, on the working line, for excessive amounts of water in the cargo area of the barges.

At approximately 1:15 a.m., on December 30, 2008, Mr. Jack Price, Safety Supervisor, notified the Office of Miners Health, Safety and Training of the accident. A discussion of whether the OMHS&T had any jurisdiction on the river was deliberated. Both, Mr. Colin Simmons, District Mine Inspector and Alan Lander, Inspector-at-Large, immediately responded to the site. The victim was recovered from the river at approximately 2:30 a.m., on December 30, 2008.

DESCRIPTION

The McElroy Coal Company, Ireland River Loadout is located at mile marker 110.2 along the Ohio River, in Marshall County, West Virginia. The facility receives clean coal from the McElroy Mine Preparation Plant via conveyor belt, where the coal is loaded into river barges, for shipment to its customers.

At the commencement of the afternoon shift, between 4:00 p.m. to 5:30 p.m. on Monday, December 29th, 2008, Mr. Jeff Seckman, acting Preparation Plant Superintendent, delivered Mr. McIntyre, by pickup truck, to the river loadout. Upon a complaint from a customer of too much water in the barges, the mine was making an examination of each barge prior to its being loaded. Mr. Seckman explained to Mr. McIntyre what an acceptable level was and when the barges would need to be pumped. The facility was loading jumbo (approximately 1800 tons of coal) barges. If too much water was found in a barge then it would be partially loaded with coal (approximately 100 tons) in one end of the barge to pool the water so it could be pumped.

From 5:30 p.m. to 9:30 p.m., Mr. McIntyre was on site checking barges. At approximately 9:30 p.m. he was in the operator's building with Mr. Billy Wise, barge loader. He looked out onto the fleet (on the working line) at a barge that was two barges out. He told Mr. Wise that he didn't think he had checked one particular barge. Mr. McIntyre left the operator's building to inspect the barge.

Mr. Kay Sebulsky, tug boat pilot, said he last seen Mr. McIntyre standing on the ramp to the barges. The barges didn't line up with the ramp. He was not sure how Mr. McIntyre accessed the barges. Between 9:30 p.m. to 10:00 p.m., Mr. McIntyre was last seen two barges out on the work line on the outside (river side) of the barge.

At approximately 10:15 p.m. the preparation plant called for Mr. McIntyre. The crew at the load out then realized that he was missing. Mr. Billy Wise called the plant and requested that they call for him over the plant radio. After no response, employees started checking the many buildings at the landing and preparation plant. Since Mr. McIntyre was brought over by a pickup truck, they thought that maybe he was walking the overland conveyor belt back to the preparation plant. Employees from the plant started checking the beltline.

An all out search of the river and shoreline was started by the following tugs working in the area: Robert Murry (owned by the Powhatan 6 Mine); Boonesboro (owned by American Electric Power); Champion and Quarto (owned by Consol Energy). When another boat pilot reported for work on the midnight shift, the Kimberly (owned by Consol Energy) was utilized to aid in the search.

At approximately 11:15 p.m., Mr. Jeff Seckman arrived back at the loadout. He was notified at home that Mr. McIntyre was missing. He ordered that the barges on the upriver and downriver fleets to be taken apart. The tug boats started at the working line to remove the barges, one by one. Afterwards, they moved down river and started taking apart the downriver fleet. The Quarto moved the #554 barge up river. Then the Champion moved the #452 barge up river. Then at approximately 2:30 a.m., as the Kimberly drifted the #470 barge out, the victim surfaced and was spotted by the pilot of the Quarto boat, which was positioned just down river of the Kimberly. (See Diagram) The deck hands on the Quarto boat were able to pull Mr. McIntyre out of the river. He was wearing a life jacket when his body was recovered. The Quarto brought him back to the loadout where Marshall County Deputies and OMHS&T awaited. Mr. McIntyre was transported to Reynolds Memorial Hospital in Glen Dale, West Virginia, where he was met by the Marshall County Medical Examiner.

A request was made to the West Virginia Attorney General's Office for an opinion as to whether the Office of Miners' Health, Safety and Training has jurisdiction on the moored barges along the river. The question arose because the river areas are not on bonded mine property. Initially it was believed that the United States Coast Guard possessed jurisdiction over this accident. However, it was later determined that the Coast Guard did not have jurisdiction over moored barges. On January 7th, 2009 the Office was advised by the Attorney General that the Office of Miners' Health, Safety and Training does have jurisdiction on moored barges. On January 8th, 2009, a control order was issued at the Ireland River Loadout and a formal investigation into the accident commenced.

FINDINGS OF FACT

- 1) The victim was assigned the task of checking barges for excessive accumulations of water at the start of the afternoon shift.
- 2) The victim was instructed by Mr. Jeff Seckman, Acting Preparation Plant Superintendent, on how to determine an unacceptable amount of water in the empty barge cargo area.
- 3) The facility was loading 200 foot long jumbo barges. (Approximately 1800 ton capacity)
- 4) At approximately 9:30 p.m. Mr. McIntyre was in the operator's building when he noticed a barge on the working line, that he wasn't sure had been checked.
- 5) At approximately 10:00 p.m. he was last seen on the river side of the second barge out, on the working line.
- 6) At approximately 10:15 p.m. the preparation plant called for Mr. McIntyre. It was then realized that he was missing.
- 7) An extensive search was started to find Mr. McIntyre
- 8) The tug boats Robert Murry, Boonesboro, Champion, Quarto and Kimberly were utilized in the search.
- 9) At approximately 11:15 p.m., Mr. Seckman arrived at the facility and ordered the barges "taken apart" to search for Mr. McIntyre.
- 10) Mr. McIntyre surfaced when the number 470 barge was drifted out by the tug boat Kimberly.
- 11) At approximately 2:30 a.m. the victim was recovered by the tug boat Quarto.
- 12) Mr. McIntyre was recovered with all required personal safety equipment, including a life jacket.
- 13) It could not be determined if he had possession of a two way radio while out on the barges. No two way radio was recovered. Records were not available, at the plant, to determine if any radios were missing. Normally, supervisors do wear two way radios.
- 14) The water level of the Ohio River was higher than normal and the water current was swift. This was after several days of rain.
- 15) The downriver barges were moored with the rake (tapered) end facing upriver.
- 16) On January 7th, 2009, the Office of Miners' Health, Safety and Training was advised by the West Virginia Attorney General's Office that this agency has jurisdiction over moored barges.

CONCLUSION

Mr. Mark McIntyre fell into the river while checking for accumulations of standing water in the cargo area of the barges. There were no eye witnesses to the accident.

RECOMMENDATIONS

The Mine Comprehensive Safety Program will be revised to include the safe work habits for working on river barges. Once the program is submitted and approved, all personnel from the Preparation Plant and Loadout facility will be retrained.

Currently no regulations exist pertaining to the operation of river facilities or pertaining to safety requirements for individuals working on moored barges. It is recommended that such regulations be promulgated by the Office of Miners' Health, Safety and Training or the Board of Coal Mine Health and Safety.

VICTIM INFORMATION

NAME OF VICTIM Mark D. McIntyre

ADDRESS 67300 Country Club Road, St. Clairsville, Ohio 43950

AGE 57 years old

TOTAL MINING EXPERIENCE 37 years

EXPERIENCE AT THIS MINE 1 year, 2 months

OCCUPATION AT TIME OF ACCIDENT Prep Plant Foreman

REGULAR OCCUPATION Prep Plant Foreman

AVERAGE NUMBER OF HRS. WORKED PER WEEK Approximately 60 hours

AVERAGE NUMBER OF HOURS WORKED PER DAY 10 hours

AVERAGE NUMBER OF DAYS WORKED PER WEEK 6 days

NORMAL HOURS WORKED PER SHIFT 10 hours

COAL MINER'S CERTIFICATION N/A

SPOUSE'S NAME Beth McIntyre

DEPENDENTS One (1) Dependent

DATE OF ACCIDENT 29th DAY OF December, 20 08.

MINE INFORMATION

COMPANY McElroy Coal Company

MINE NAME Ireland River Loadout

WV PERMIT L-675

ADDRESS Route 2 , Moundsville, WV 26041

COUNTY Marshall County

WORKING STATUS Active

LOCATION 110.2 mile marker, Ohio River

UNION Yes NON-UNION _____

TOTAL NUMBER OF EMPLOYEES 19 employees

NUMBER OF SHIFTS WORKED PER DAY 3 shifts

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

WV OMHST INSPECTOR Colin Simmons

DATE OF LAST INSPECTION _____

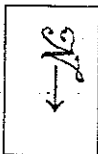
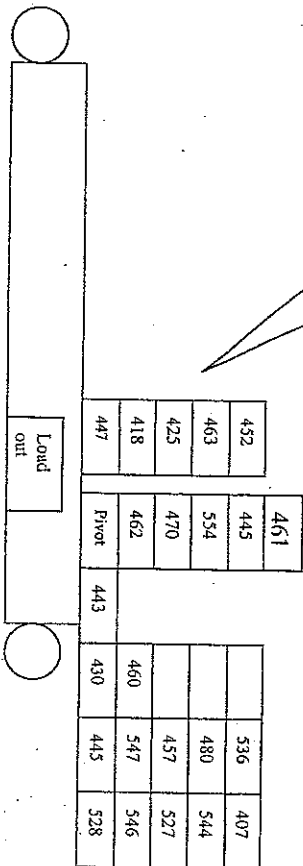
NOTIFIED BY Jack Price, McElroy Coal Company

DATE AND TIME OF NOTIFICATION January 30th, 2009 approximately 1:15 a.m.

CMSP – ANNIVERSARY DATE August 13, 2009

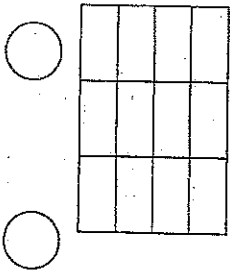
CMSP – CONTACT PERSON Jack Price

Location of barges at start of shift (best recollection per the employee's who were there that night)



Still under investigation

West Virginia shore line of the Ohio River

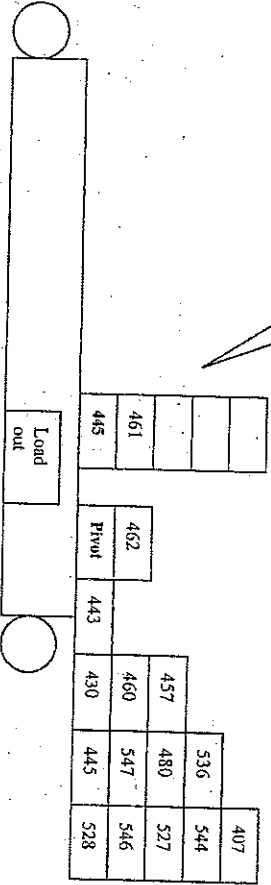


554	452
470	463
425	418



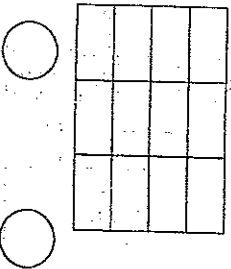
Still under investigation

West Virginia shore line of the Ohio River



Location of barges at time of accident (best recollection per the employee's who were there that night)

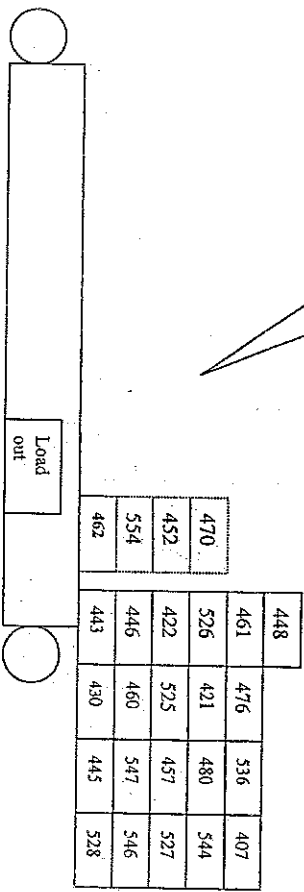
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The Quarto moved the 554 barge up stream. Then the Champion moved the 452 barge upstream. Then as the Kimberly drifted 470 barge out, the victim was located and seen by the Quarto boat positioned just down stream of the Kimberly.

554	452
470	463
425	418

Location of barges after locating victim



Still under investigation

West Virginia shore line of the Ohio River