



Section I--Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0700	3. Citation/ Order Number 8769606
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. Approximately 25 to 30 cases of deteriorated explosives (Dyno-Nobel Dynosplit D) were hauled into the face area of the Monogahela Drift and detonated in an open air blast. The drift was not sufficiently ventilated to clear the gasses produced by the blast.

Mine Management engaged in aggravated conduct constituting more than ordinary negligence in that: management was aware of the deteriorated explosives and failed to properly dispose of them; management was aware of the unsafe handling of explosives and took no action to correct the practice; and management was aware of safe practices for disposal but did not follow that procedure when disposing of the explosives. This violation

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.6900
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Section II--Inspector's Evaluation

10. Gravity:						
A. Injury or Illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input checked="" type="checkbox"/>
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 002		
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>						
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>				
14. Initial Action A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>			E. Citation/ Order Number 8769566		F. Dated Mo Da Yr 12/05/2013	
15. Area or Equipment The Monogahela Drift.						

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate This condition was abated when the mine operator conducted training on the proper disposal of explosives after the fatalities.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0701
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson		23. AR Number 4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo	Da	Yr	3. Citation/ Order Number	8769606
		10/21/2014					
4. Served To Clint Fletcher - Site Manager				5. Operator STAR MINE OPERATIONS, LLC			
6. Mine REVENUE MINE				7. Mine ID		05-03528 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date	Mo	Da	Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E06	10. Event Number	6616214		
11. AR Name	Keith S. Markeson	AR Number	4428		
12. Date	Mo	Da	Yr	13. Time (24 Hr. Clock)	0700
		10/21/2014			



Section I--Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0701	3. Citation/ Order Number 8769607
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC	
6. Mine REVENUE MINE	7. Mine ID 05-03528 (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. A post-blast examination of the Monogahela Drift was not conducted prior to work resuming in the blast area.

Mine Management engaged in aggravated conduct constituting more than ordinary negligence in that they: locked the necessary gas-detectors in their offices preventing miners from using them during post-blast examinations; did not ensure that a post-blast examination was conducted after the blast in the Monogahela Drift; ordered miners into the blast area without conducting a post-blast examination; were aware there were inadequate post-blast procedures in use; did not include or ensure that post-blast examinations were included in the mines training plan. This

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.6306g
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Section II--Inspector's Evaluation

10. Gravity:

A. Injury or Illness (has) (is): No Likelihood Unlikely Reasonably Likely Highly Likely Occurred

B. Injury or illness could reasonably be expected to be: No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal

C. Significant and Substantial: Yes No D. Number of Persons Affected: 002

11. Negligence (check one) A. None B. Low C. Moderate D. High E. Reckless Disregard

12. Type of Action 104d1 13. Type of Issuance (check one) Citation Order Safeguard Written Notice

14. Initial Action A. Citation B. Order C. Safeguard D. Written Notice E. Citation/
Order Number 8769566 F. Dated Mo Da Yr
12/05/2013

15. Area or Equipment The Monogahela Drift

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate This condition was abated when the area was cleared during recovery after the accident.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0702
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson		23. AR Number 4428

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/21/2014	3. Citation/Order Number 8769607
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC (Contractor)	
6. Mine REVENUE MINE	7. Mine ID 05-03528	

Section II--Justification for Action

Continuation of 8. Condition or Practice

violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 6616214		
11. AR Name Keith S. Markeson	AR Number 4428	12. Date Mo Da Yr 10/21/2014	13. Time (24 Hr. Clock) 0701



Section I—Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0702	3. Citation/ Order Number 8769608
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. The unventilated Monogahela Drift was not barricaded or posted against entry. Mine management engaged in aggravated conduct constituting more than ordinary negligence in that they: failed to ventilate the area and still insisted on production from the area; knew the area was unventilated, failed to barricade or post the area, and continued to assign miners to work in the area. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.8528
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Section II—Inspector's Evaluation

10. Gravity:						
A. Injury or Illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input checked="" type="checkbox"/>
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 002		
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>						
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>				
14. Initial Action				E. Citation/ Order Number	F. Dated	Mo Da Yr
A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				8769566		12/05/2013

15. Area or Equipment The Monogahela Drift

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III—Termination Action

17. Action to Terminate The drift has been ventilated.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0703
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Section IV—Automated System Data

19. Type of Inspection (activity code)	E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson			23. AR Number 4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Section I--Violation Data		
1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0703	3. Citation/ Order Number 8769609
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)
8. Condition or Practice		

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. Nick Cappanno (victim) had not been indoctrinated in safe work practices as evidenced by his improper handling of explosives, entry into an unventilated area to dispose of explosives, and re-entry into an area after a blast without the knowledge or tools needed to prevent injury. Cappanno had been indoctrinated in unsafe work procedures such as entering drifts before toxic gasses had cleared, using his body as a gas meter, not accounting for explosives used or returned to explosives storage facilities, and moving explosives on a steel flat car. Cappanno's actions on the date of the accident show that he was unaware of the hazards related to blasting in unventilated areas therefore proving that he had not been indoctrinated in

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health Safety Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.18006
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Section II--Inspector's Evaluation				
10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 8769566	F. Dated Mo Da Yr 12/05/2013	
15. Area or Equipment Nick Cappanno				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate Victim - Nick Cappanno is deceased and can no longer be indoctrinated in the safety rules and safe work procedures at the mine.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0704
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Section IV--Automated System Data		
19. Type of Inspection (activity code) E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson		23. AR Number 4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/21/2014	3. Citation/Order Number 8769609
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC (Contractor)	
6. Mine REVENUE MINE	7. Mine ID 05-03528	

Section II--Justification for Action

Continuation of 8. Condition or Practice

safe work procedures.

Mine management engaged in aggravated conduct constituting more than ordinary negligence in that they: were aware of the unsafe handling of explosives by Mr. Cappanno and took no action to correct the practice; were aware that Mr. Cappanno did not know of the hazards related to blasting in unventilated areas and failed to ensure that Mr. Cappanno wouldn't enter the affected area; demonstrated unsafe work procedures to the miners through the normal day-to-day operating procedures at the mine. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 6616214		
11. AR Name Keith S. Markeson	AR Number 4428	12. Date Mo Da Yr 10/21/2014	13. Time (24 Hr. Clock) 0703



Section I--Violation Data			
1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0704	3. Citation/ Order Number	8769610
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC	
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)	
8. Condition or Practice			8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. The high levels of toxic gas in the Monogahela Drift that existed post blast on 11/16/2013 presented an imminent danger to miners working in the area on evening shift. Miners discovered the condition while examining the area and the condition was brought to the attention of Management.

Mine Management engaged in aggravated conduct constituting more than ordinary negligence in that they were aware of an imminent danger condition at the mine and took no action to correct the condition or to withdraw people from the area affected. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.18002c
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Section II--Inspector's Evaluation

10. Gravity:					
A. Injury or Illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input checked="" type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 002		

11. Negligence (check one)	A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input checked="" type="checkbox"/>
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12. Type of Action	104d1	13. Type of Issuance (check one)	Citation <input type="checkbox"/>	Order <input checked="" type="checkbox"/>	Safeguard <input type="checkbox"/>	Written Notice <input type="checkbox"/>
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14. Initial Action	E. Citation/ Order Number		8769566	F. Dated	Mo Da Yr
A. Citation <input checked="" type="checkbox"/>	B. Order <input type="checkbox"/>	C. Safeguard <input type="checkbox"/>	D. Written Notice <input type="checkbox"/>		12/05/2013

15. Area or Equipment The Monogahela Drift inby the F-9 Raise.

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate Miners were withdrawn from the mine by 103(j) order number 8754902.

18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	10/21/2014	0705

Section IV--Automated System Data

19. Type of Inspection (activity code)	E06	20. Event Number	6616214	21. Primary or Mill	P
22. AR Name	Keith S. Markeson			23. AR Number	4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Section I--Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0705	3. Citation/ Order Number 8769611
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. Nick Cappanno (victim) and Rick Williams (victim) engaged in blasting operations and explosives disposal without having completed the required task training under 48.7a and without supervision by a miner with the required knowledge under 48.7b.

Mine Management engaged in aggravated conduct constituting more than ordinary negligence in that they did not train or ensure training was completed for Nick Cappanno or Rick Williams prior to them engaging in blasting operations. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 48.7b
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Section II--Inspector's Evaluation

10. Gravity:							
A. Injury or Illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input checked="" type="checkbox"/>	
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>		
C. Significant and Substantial:			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 002		
11. Negligence (check one)							
A. None <input type="checkbox"/>		B. Low <input type="checkbox"/>		C. Moderate <input type="checkbox"/>		D. High <input checked="" type="checkbox"/>	
E. Reckless Disregard <input type="checkbox"/>							
12. Type of Action 104d1			13. Type of Issuance (check one)				
			Citation <input type="checkbox"/>		Order <input checked="" type="checkbox"/>		
			Safeguard <input type="checkbox"/>		Written Notice <input type="checkbox"/>		
14. Initial Action				E. Citation/ Order Number		F. Dated Mo Da Yr	
A. Citation <input checked="" type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>		D. Written Notice <input type="checkbox"/>	
				8769566		12/05/2013	
15. Area or Equipment Rick Williams and Nick Cappanno							

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section III--Termination Action

17. Action to Terminate Victims Rick Williams and Nick Cappanno are deceased and can no longer be trained.

18. Terminate	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
	10/21/2014	0706

Section IV--Automated System Data

19. Type of Inspection (activity code)	E06	20. Event Number	6616214	21. Primary or Mill	P
22. AR Name					23. AR Number
Keith S. Markeson					4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Section I--Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0707	3. Citation/ Order Number 8769613
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC	
6. Mine REVENUE MINE	7. Mine ID 05-03528 (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A fatal accident occurred at this operation on November 17, 2013 when two miners entered an unventilated area after a blast. Two other miners entered the Monogahela Drift during the evening shift prior to the accident and fell ill from exposure to toxic gasses. This condition was reported to [REDACTED] and was investigated by [REDACTED] and [REDACTED] engaged in aggravated conduct constituting more than ordinary negligence. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 50.10d
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 002	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 8769566		F. Dated Mo Da Yr 12/05/2013
15. Area or Equipment The Revenue Mine				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate MSHA was notified of the fatal accident that occurred on 11/17/2013.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0708
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson		23. AR Number 4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.



Section I--Violation Data

1. Date Mo Da Yr 10/21/2014	2. Time (24 Hr. Clock) 0708	3. Citation/ Order Number 8769614
4. Served To Clint Fletcher - Site Manager		5. Operator STAR MINE OPERATIONS, LLC
6. Mine REVENUE MINE		7. Mine ID 05-03528 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On 9/25/2013 the mine operator submitted a written plan of the mine ventilation system including a map, which was received in the MSHA District Office on 9/26/2013. The base map was drawn by JR Trujillo and the ventilation was added by Martin Chenoweth PE. False information was submitted on the map, and required information was not included.

(1)The map showed that entries in the Monogahela Drift at the 7+00, 11+00, and 14+00 locations connected to the old works, with drift air exhausting out those entries. In fact, these entries dead ended into solid faces that did not connect to the old works and through which no exhaust air could possibly go.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 57.8520
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Section II--Inspector's Evaluation

10. Gravity:						
A. Injury or Illness (has) (is):		No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input type="checkbox"/>	Highly Likely <input type="checkbox"/>	Occurred <input checked="" type="checkbox"/>
B. Injury or illness could reasonably be expected to be:		No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>	
C. Significant and Substantial:		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 002		
11. Negligence (check one)		A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input type="checkbox"/>	E. Reckless Disregard <input checked="" type="checkbox"/>
12. Type of Action 104d1		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>				
14. Initial Action		E. Citation/ Order Number 8769566			F. Dated Mo Da Yr 12/05/2013	
A. Citation <input checked="" type="checkbox"/>		B. Order <input type="checkbox"/>		C. Safeguard <input type="checkbox"/>		D. Written Notice <input type="checkbox"/>
15. Area or Equipment The Revenue Mine						

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate The Monogahela Drift was ventilated and an accurate ventilation plan was submitted to MSHA.

18. Terminate	A. Date Mo Da Yr 10/21/2014	B. Time (24 Hr. Clock) 0709
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 6616214	21. Primary or Mill P
22. AR Name Keith S. Markeson		23. AR Number 4428

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/21/2014	3. Citation/Order Number 8769614
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC (Contractor)	
6. Mine REVENUE MINE	7. Mine ID 05-03528	

Section II--Justification for Action

Continuation of 8. Condition or Practice

(2) There were no ventilation connections to the Monogahela Drift in by the 6+00 crosscut for a distance of 1700 feet despite them being shown on the map.

(3) There was a connection to the old works at the F9 Raise that was not shown on the submitted map. Air from The Virginus Shaft traveled into the Monogahela Drift from the F9 Raise.

(4) The approximately 6,000 CFM of air flow entering the Monogahela Drift from the F9 Raise was not shown on the map. This was the principal ventilating air flow for the Monogahela Drift.

(5) The three crosscuts in the Virginus South Drift that were acting as an exhaust location into the old works were not shown on the map as active workings or as projected additions to the ventilation system.

(6) There were known underground mine openings adjacent to the mine that were not shown on the map.

In addition, inspection revealed numerous conditions in the mine which were contrary to the ventilation plan submitted by the operator:

(1) The air movement indicated on the submitted map at the 3+00 crosscut did not exist.

(2) The intake air current of 9,500 CFM into the Monogahela Drift shown on the submitted map was not correct. The airflow was exhausting and measured at 6,154 CFM.

(3) Curtains were not installed per the plan. The ventilation plan showed air curtains in the first three intersections of the Monogahela Drift. But the curtain in the first intersection was only half installed and the curtain in the third intersection was not in place.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 6616214		
11. AR Name Keith S. Markeson	AR Number 4428	12. Date Mo Da Yr 10/21/2014	13. Time (24 Hr. Clock) 0708

Mine Citation/Order
Continuation

U.S. Department of Labor
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 10/21/2014	3. Citation/ Order Number 8769614
4. Served To Clint Fletcher - Site Manager	5. Operator STAR MINE OPERATIONS, LLC (Contractor)	
6. Mine REVENUE MINE	7. Mine ID 05-03528	

Section II--Justification for Action

(4) Page 3 of the ventilation plan states that there were no internal combustion engine units underground however, the mine was using the following diesel equipment underground: Genie S-60 Man Lift Model #:S6006-14513, Skytrak 6042 Forklift Model #:0160023309, Caterpillar 268B Skid Loader Model #:CAT0268BCLBA01375.

(5) Ventilation was not provided as stated in the submitted plan. The plan states: "As we work in additional areas out of the main air flow we will use booster (auxiliary) fans and flexible vent bag to provide adequate air to those areas." The work areas in the Monogahela drift which included the Chinaman Chute and the blast site near the face of the drift were not in the main air flow. But the operator did not ventilate them with fans and vent bags. This lack of ventilation allowed carbon-monoxide gas to inundate the Monogahela Drift after the blast detonated on November 16, 2013 and prevented removal of the gas from the drift, contributing to the deaths of two miners on November 17, 2013.

Mine Management engaged in aggravated conduct constituting more than ordinary negligence in that they: provided the map for the ventilation plan that showed the direction of air flows in the Monogahela and Virginus areas knowing that the ventilation shown on the map was not physically possible; constructed the ventilation plan and map with other false information and without the inclusion of required information such as the location of connecting and adjacent mine openings; submitted the false information to MSHA; distributed the incorrect information to miners through the maps; set out the ventilation plan and failed to ventilate the working areas of the Monogahela drift as per the plan, despite miners' requests; failed to provide ventilation to the working areas prior to production and blasting work being conducted.;Further, the mine's professional engineer signed the maps. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection	E06	10. Event Number	6616214
11. AR Name	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
Keith S. Markeson	4428	10/21/2014	0708