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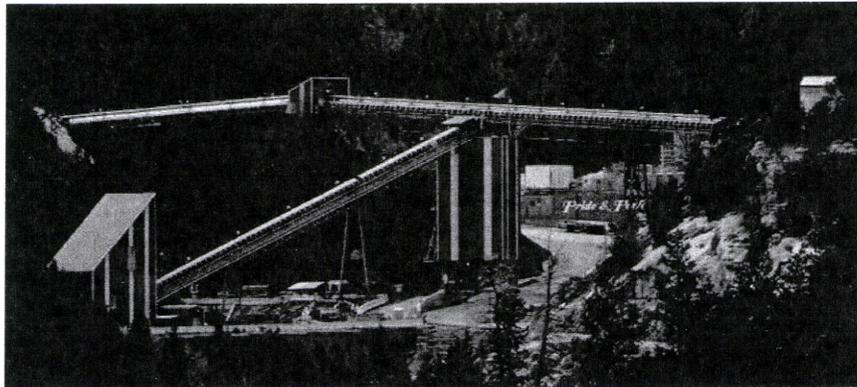
Feds charge Crandall Canyon mine operators in mine collapse

By Amy Joi O'Donoghue

March 9th, 2012 @ 3:22pm

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SALT LAKE CITY — The operators of the Crandall Canyon Mine are not criminally liable for two collapses in 2007 that killed six miners and three others who were trying to rescue them, prosecutors announced Friday.

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The 3 1/2-year investigation was conducted by the U.S. Attorney's Office for Utah.

However, prosecutors did file two misdemeanor charges against the operators for alleged violations that occurred months before the August 2007 collapses.

In an agreement reached with prosecutors, Genwal Resources, Inc. will plead guilty to two misdemeanor violations of the Mine Act. The first violation is because the company failed to promptly report a "bounce" that disrupted regular mining activity for more than an hour on March 10, 2007.

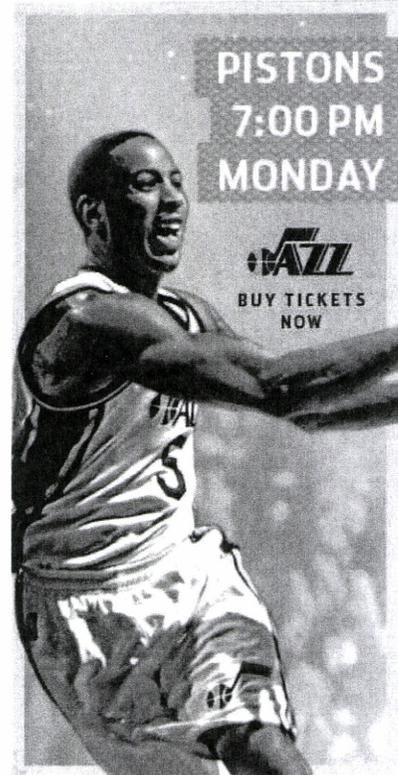
Genwal said it reported the bounce to the federal Mine Safety and Health Administration the next business day and abandoned that area of the mine. But the law required them to report the incident within 15 minutes.

The second misdemeanor was for an alleged "violation of the roof control plan by mining the remnant barrier pillar between crosscuts 139-142," the company explained in a prepared statement. That occurred on Aug. 3, three days before the first collapse occurred. It was in a different section of the mine.

Genwal also agreed to pay a fine of \$500,000.

"Significantly, the agreement reflects the lack of evidence that any conduct by the company caused the accidents of Aug. 6 or 16, 2007," Genwal reiterated in its statement. "Genwal has always maintained that its plan for mining the Crandall Canyon Mine was safe — a belief that was shared by MSHA (which approved the plan) and the mine engineering firm on which Genwal relied.

"Resolution of this investigation avoids Genwal putting its former employees, their families, and members of the community at large through the ordeal of reliving the tragic events."



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Friday's actions come three and a half years after federal mine safety officials asked the U.S. Attorney's Office for Utah to launch a criminal investigation into the mine's operation.

At the time, Richard E. Stickler, acting assistant secretary of labor for the Mine Safety and Health Administration, said the operator and its engineering consultants demonstrated "reckless disregard for safety."

The Crandall Canyon Mine near Huntington collapsed Aug. 6, 2007, entombing six miners: Kerry Allred, Don Erickson, Luis Hernandez, Carlos Payan, Brandon Phillips and Arturo "Manuel" Sanchez.

The collapse of the mine's walls 1,800 feet underground happened with such force it registered as a 3.9 seismic event.

Fears of the mine's stability stymied early rescue attempts and were later born out in the second collapse that killed three would-be rescuers 10 days later. In addition to the fatalities of Dale Black, Gary Jensen and Brandon Kimber, several other rescuers suffered serious injuries.

Although mine operator Ohio-based Murray Energy attempted multiple times to reach the trapped miners by drilling bore holes, the rescue operation ultimately failed and the now shuttered mine has become the men's permanent resting spot.

The twin cave-ins prompted an extensive investigation by federal mine safety officials, who said the mine was "destined to fail" because the company made critical miscalculations and didn't report early warning signs. Murray Energy was fined \$1.34 million.

Civil lawsuits brought by relatives of the victims against four companies linked to the mine operation, affiliates, insurance companies and mining consultants were settled in 2009. Although specific terms of the settlement were undisclosed, attorneys for the families said the amount was in excess of \$20 million — the amount paid in the 1984 Wilberg mine explosion.

In documents filed in federal court in Salt Lake City Friday, Genwal attorneys note that while it has agreed to plead guilty to the charges and pay the fine, should the court not accept the plea, the company can withdraw the agreement.

"These are serious offenses that merit the maximum penalty," said U.S. Attorney David B. Barlow in a statement. "We recognize that nothing we can do will ever bring back the miners who perished, restore the health of those who were injured during the rescue, or erase the nightmares that still haunt those who were firsthand witnesses to these tragedies. It is this office's intent that these charges send the message to mining companies everywhere: obey the safety laws."

Written by Amy Joi O'Donoghue with contributions from Josh Loftin of the Associated Press.



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