Fines Still Unpaid for Fatal Mine Blast in 2006

LOUISVILLE, Ky. (AP) — A former operator at an eastern Kentucky mine who hasn't paid almost $700,000 in civil penalties stemming from a fatal blast almost six years ago is involved with companies operating at least two active mines with safety violations.

The Courier-Journal (http://cjky.it/JlqrJz [1]) cites state records in reporting that Ralph Napier, a former operator of Kentucky Darby Mine No.1 in Harlan County, serves as vice president of K & D Mining Inc. and Neco Energy Inc., which run at least two active mines in Harlan.

An analysis by the newspaper of data from the federal Mine Safety and Health Administration shows that the two companies owe at least $637,000 in past-due penalties for about 400 safety violations.

MSHA chief Joseph Main told the newspaper that his agency plans to look at the connection among the companies.

"They are on our radar screen. . Mine operators should not be allowed to walk away from their responsibilities for this," Main said.

Napier did not respond to a request for comment, nor did the attorney for Kentucky Darby.

The phones at Neco Energy's Mine No. 2 went unanswered while a person who answered the phone at K & D said he did not know where mine officials could be reached.

Federal records show MSHA has referred Kentucky Darby's delinquent fines to the Treasury Department for collection and has obtained a 20-year lien on the property where five miners were killed in an explosion in 2006.

Attorney Tony Oppegard, who represents the spouses of four victims at the Kentucky Darby mine, said the ability of someone connected to Kentucky Darby to stay in the business but not pay large fines related to safety violations shows the weakness of federal laws.

"There's been no justice. These men lost their lives, and nothing's been done," said Priscilla Petra, 49, the widow of George William "Bill" Petra, who was killed in the Darby blast.

A survey by Mine Safety and Health News says Kentucky Darby's outstanding fines were some of the largest in the nation last year among mining companies.

The fines were levied after MSHA investigators found that methane gas from an improperly built seal leaked into an area where miners were using a torch, which ignited the gas.

MSHA said Kentucky Darby "did not observe basic mine safety practices and ... critical safety standards were violated."

The mine was sealed months after the blast, raising concerns at the time about efforts to collect penalties.

Oppegard said the worries were well-founded.

"If Mr. Napier or any other operator can't pay outstanding mine-safety fines, then they should not be allowed to operate another mine," Oppegard said. "That is not the way the system is supposed to work. The message it sends to coal miners and their families is, 'You're nothing but a worthless coal miner. Your life has no value.'"

K & D Mining and Neco Energy received mining licenses in 2011 by Kentucky's Office of Mine Safety and Licensing, according to the agency's records.

Agency spokesman Dick Brown says outstanding federal fines don't affect licensing.

"The Office of Mine Safety and Licensing, as well as the other agencies within the Energy and Environment Cabinet, do not have the authority to shut down mining operations for unpaid MSHA penalties," Brown said. "The Cabinet believes MSHA's best remedy for collecting unpaid penalties is through the courts."

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