

01 STATEMENT UNDER OATH
02 OF
03 JOHN NELSON BONI
04
05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at the U.S. Bankruptcy
10 Court, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Thursday, January 19, 2006, at 8:49
13 a.m.

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01 A P P E A R A N C E S
02
03 DOUG CONAWAY, DIRECTOR
04 Office of Miners' Health, Safety &

05 Training
06 1615 Washington Street, East
07 Charleston, WV 25311
08
09 J. DAVITT MCATEER, ESQUIRE
10 Wheeling Jesuit University
11 Vice President
12 Sponsored Programs
13 316 Washington Avenue
14 Wheeling, WV 26003
15
16 JAMES BROOKS CRAWFORD, ESQUIRE
17 Senior Trial Attorney
18 Mine Safety and Health Division
19 U. S. Department of Labor
20 Office of the Solicitor
21 1100 Wilson Boulevard
22 Suite 2231
23 Arlington, VA 22209-2296
24
25

3

01 A P P E A R A N C E S (cont' d)
02
03 RICHARD A. GATES
04 District manager
05 District 11
06 U. S. Department of Labor
07 Mine Safety & Health Administration
08 Suite 213
09 135 Gemini Circle
10 Birmingham, AL 35209

11
12 JOSEPH R. O' DONNELL, JR.
13 Supervisory Coal Mine S&H Inspector
14 U. S. Department of Labor
15 Mine Safety & Health Administration
16 District 11
17 3867 Pine Lane, Suite 205
18 Bessemer, AL 35022
19
20 R. HENRY MOORE, ESQUIRE
21 Jackson Kelly, PLLC
22 Three Gateway Center
23 401 Liberty Avenue - Suite 1340
24 Pittsburgh, PA 15222
25 COUNCEL FOR ICG

4

01 A P P E A R A N C E S (cont' d)
02
03 SAM KITTS
04 6002 Pinnacle View Road
05 Hurricane, WV 25526
06
07 DENNIS J. SWENTOSKY
08 MS&H Specialist (Ventilation)
09 U. S. Department of Labor
10 Mine Safety & Health Administration
11 CMS&H, District 2
12 Paintersville Road
13 R. R. #1, Box 736
14 Hunker, PA 15639
15

16 BRIAN MILLS
17 Inspector at Large
18 Region One
19 West Virginia Miners Health, Safety &
20 Training
21 205 Marion Square
22 Fairmont, WV 26554
23
24
25

5

01 A P P E A R A N C E S (con' t)

02

03 ROBERT S. WILSON, ESQUIRE
04 TIMOTHY S. WILLIAMS, ESQUIRE
05 U. S. Department of Labor
06 Office of the Regional Solicitor
07 1100 Wilson Boulevard
08 22nd Floor West
09 Arlington, VA 22209-2247

10

11 DAVE STUART
12 1507 Stonehenge Road
13 Charleston, WV 25214

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P R O C E E D I N G S

MR. GATES:
Good mornin g, John.
MR. BONI :
Good mornin g.

07 MR. GATES:
08 Mr. Boni, is that
09 correct?
10 MR. BONI:
11 Yes.
12 MR. GATES:
13 Do you prefer John?
14 MR. BONI:
15 John.
16 MR. GATES:
17 John. John, my name is
18 Richard Gates, and I'm the
19 District Manager with the Mine
20 Safety and Health
21 Administration, an agency with
22 the U.S. Department of Labor.
23 I'd like to introduce Bob
24 Wilson, from the MSHA
25 Solicitor's Office, and Brian

9

01 Mills and Dave Stuart with the
02 West Virginia Office of
03 Miners' Health, Safety &
04 Training. Also with me is
05 Denny Swentosky, who will be
06 asking some of the questions
07 here later on.
08 I've been assigned to
09 conduct an investigation into
10 the accident that occurred at
11 the Sago Mine on January 2nd,

12 2006, in which 12 miners died
13 and one was seriously injured.
14 The investigation is being
15 conducted jointly by MSHA and
16 the State to gather
17 information to try to
18 determine a cause of the
19 accident.

20 At this time, the
21 accident investigation team
22 intends to interview a number
23 of people to discuss anything
24 that might be relevant to the
25 accident. After the

10

01 investigation is completed,
02 MSHA will release a written
03 report detailing the nature
04 and causes of the accident.
05 The accident reports are made
06 available to the public in
07 hopes that greater awareness
08 about the causes of the
09 accidents can reduce their
10 occurrence in the future.
11 Information obtained through
12 the interviews is frequently
13 included in these reports, and
14 your statement may also be
15 used in other enforcement
16 proceedings.

17 Initially, I'd like to

18 thank you in advance for being
19 here. We appreciate your
20 assistance in this
21 investigation. The
22 willingness of miners and mine
23 operators to work with us is
24 critical to our goal of making
25 the nation's mines safer. We

11

01 understand the difficulty for
02 you in discussing the events
03 that took place and we greatly
04 appreciate your efforts to
05 help us understand what
06 happened.

07 This interview with Mr.
08 John Boni is being conducted
09 under Section 103(a) of the
10 Federal Mine Safety and Health
11 Act of 1977 as a part of a
12 joint investigation by MSHA in
13 the State of West Virginia
14 into the conditions, events
15 and circumstances surrounding
16 the fatalities that occurred
17 at the Sago Mine, owned by
18 International Coal Group, in
19 Buckhannon, West Virginia, on
20 January 2nd, 2006. The
21 interview is being conducted
22 at the U.S. Bankruptcy

23 Courthouse in Clarksburg, West
24 Virginia, on January 19th,
25 2006.

12

01 Questioning will be
02 conducted by MSHA and
03 representatives of the West
04 Virginia Office of Miners'
05 Health, Safety & Training.
06 This is not an adversarial
07 proceeding. Therefore, no
08 Cross Examination will be
09 permitted.

10 Mr. Boni, the interview
11 will begin by me asking you a
12 series of questions. If you
13 do not understand a question,
14 please ask me to repeat it or
15 rephrase it. Feel free at any
16 time to ask any clarifying
17 statements that will help you
18 make your response. After we
19 finish asking the questions,
20 you'll have an opportunity to
21 add any information that you
22 think may be helpful to us.
23 If at any time after the
24 interview you recall any
25 information you believe may be

13

01 useful, you can contact me at
02 the information provided on

03 the business card.
04 MR. BONI :
05 Okay.
06 MR. GATES:
07 Your statement is
08 completely voluntary. You can
09 refuse to answer any question
10 and you may end your interview
11 at any time. If you need a
12 break for any reason, please
13 let me know. We'll be sure to
14 take one. A court reporter
15 will record your interview and
16 will later produce a written
17 transcript of the interview,
18 so please try and respond to
19 all questions verbally since
20 the reporter cannot record
21 nonverbal responses. Also,
22 please try to keep your voice
23 up. Copies of the transcripts
24 will be made available at a
25 later time.

14

01 If any part of your
02 statement is based not on your
03 own firsthand knowledge but on
04 information you learned from
05 someone else, please let us
06 know. Answer each question as
07 fully as you can, including

08 information you may have
09 learned from someone else. If
10 I don't ask the right
11 questions to get the
12 information that you have,
13 please feel free to continue
14 with anything on the
15 particular subject that you
16 might have.

17 At this time, Mr.
18 Mills, did you have anything
19 that you'd like to add?

20 MR. MILLS:

21 Well, I'm glad you made
22 it here today. The West
23 Virginia Office of Miners'
24 Health, Safety & Training is
25 conducting this interview

15

01 session jointly with MSHA and
02 are in agreement with the
03 procedures outlined by Mr.
04 Gates for these interviews
05 that will be conducted here
06 today. But the Director
07 reserves the right, if
08 necessary, to call or subpoena
09 witnesses or require the
10 production of any record,
11 document, photograph or other
12 relevant materials necessary
13 to conduct this investigation.

14 MR. GATES:
15 John, you' re permi tted
16 to have a representative wi th
17 you during the i ntervi ew, and
18 you may consul t wi th your
19 representative at any ti me.
20 You can designate any person
21 to be your representative. Do
22 you have a representati ve wi th
23 you?

24 MR. BONI :
25 No, I don' t have one.

16

01 MR. GATES:
02 And do you have any
03 questi ons regardi ng the manner
04 i n how thi s i ntervi ew i s goi ng
05 to be ---

06 MR. BONI :
07 No, si r.

08 MR. GATES:
09 --- conducted? Wi ll
10 you please swear Mr. Boni i n?

11 -----
12 JOHN BONI , HAVING FIRST BEEN DULY
13 SWORN, TESTIFIED AS FOLLOWS:

14 -----
15 BY MR. GATES:
16 Q. John, could you state your
17 full name and spell your last name,
18 please?

119Boni -me. txt
19 A. John Nelson Boni, B-0-N-I.
20 Q. And could you give us your
21 address and telephone number?
22 A. Route 1, Box 214, Volga, West
23 Virginia, 26238, area code
24 (304)457-1237.
25 Q. And John, do you have an

17

01 e-mail address that you'd like to
02 share with us?
03 A. Yes, I do, but I don't know
04 what it is. I've got one, but I
05 don't remember it.
06 Q. That's fine. If you'd like to
07 give that to us later, you can
08 certainly do that. And are you
09 appearing here today voluntarily?
10 A. Yes, sir.
11 Q. John, how many years mining
12 experience do you have?
13 A. I started in May of '69. I
14 have 36 years.
15 Q. And could you just give us a
16 brief description of your employment
17 history in the mines since '69?
18 A. Well, my first 22 years I
19 worked with Bethlehem Mines, held
20 various positions up to
21 superintendent of the mine.
22 Bethlehem sold out in '91, I think it
23 was, and since then I worked at
24 various mines around this area. A

25 lot of the time has been with Anker

18

01 Energy and several smaller mines in
02 this area.

03 Q. How much of your time has been
04 spent at the Sago Mine?

05 A. I think I started in October
06 of 2004.

07 Q. October 2004?

08 A. Yes.

09 Q. And what position do you hold
10 at the Sago Mine?

11 A. I am the pumper at the Sago
12 Mine.

13 Q. Pumper?

14 A. Yes.

15 Q. And was that the position you
16 held on January 2nd?

17 A. Yes, sir.

18 Q. And could you give us a brief
19 description of your --- what your job
20 duties as a pumper consisted of on
21 that day?

22 A. Well, that day --- of course,
23 we just come back from the holiday.
24 I was going to go check all the
25 pumps. And I was sure we had some

19

01 water in some areas, so I was going
02 to go check all the pumps that day.

03 Q. How long have you been a

04 pumper at ---?

05 A. I have --- well, since I've

06 been there. I've taken care of the

07 pumps ever since I've been there.

08 I've also had other duties. I used

09 to fire boss the belts, and I do

10 still walk the airway. Those were my

11 duties primarily. Right now, just

12 pumping and fire bossing the airways

13 because they've brought other fire

14 bosses in to do the belt line.

15 Q. And in your time at the Sago

16 Mine, aside from the fire bossing,

17 have you had other positions that

18 you've held there?

19 A. No, sir. I've never been

20 really --- really, as I said, since

21 I've been there, I've fire bossed the

22 belts, pumped and walked the airways.

23 That's primarily what I've done.

24 Q. And John, do you have any

25 state or federal certification, shop,

20

01 fire boss' papers, any of that ---?

02 A. Yes, sir. I have my mine

03 foreman's papers, shop/fire's card,

04 EMT card. I don't know. That's

05 about it.

06 Q. And those are with the State

07 of West Virginia?

08 A. Yes, sir.

09 Q. Any other states that you have

10 any certifications with?

11 A. No.

12 Q. And who's your supervisor,

13 John?

14 A. Carl Crumrine. He's the mine
15 foreman.

16 Q. And how long has Carl been
17 your supervisor?

18 A. Carl has had that position, I
19 would just be guessing, but
20 approximately six months.

21 Q. Six months, okay. And what
22 time do you normally start your
23 shift, John?

24 A. At six o'clock.

25 Q. Six o'clock?

21

01 A. A.M.

02 Q. And were you working on
03 January 2nd?

04 A. Yes, sir.

05 Q. Starting at the time that you
06 arrived at the mine on January 2nd,
07 could you just kind of describe what
08 happened that day?

09 A. Well, when I got to the mine,
10 of course you get dressed. I usually
11 take the belt and track fire boss
12 calls. I usually take those every
13 morning. So I went into the
14 foreman's office and waited for the

15 guys to call out. One of them
16 carried his report out. The other
17 called his report out. And I took
18 the one that called out. The other
19 one, he filled his book out. And he
20 told me that one of the pumps, he
21 couldn't get the power to set up on
22 it. So I was talking with him, and
23 he told me which pump it was and said
24 I ought to check it because there's
25 some water in there, and he couldn't

22

01 get the breaker to set on the pump.
02 We talked for --- you know, the
03 foreman and I in the office talked,
04 and then we went down and went over
05 the hill to enter the mine.
06 Well, we went in. The first
07 mantrip took off. The trip that the
08 outby foreman had was too small to
09 handle all the people that had to
10 ride on it, so we went over and
11 switched the mantrips and got a trip
12 with more seating capacity. And this
13 took us approximately, I'm going to
14 say somewhere, five to seven minutes
15 to do this. And as soon as we got
16 the mantrip switched, we entered the
17 mine. And I told the foreman where I
18 wanted off. I got off at the One
19 Right switch, because that's where
20 the power center is to power the pump

21 that he couldn't get powered. I got
22 off at the One Right switch. As soon
23 as I got there, I saw that the pump
24 was --- why somebody had switched the
25 cat head to a small breaker and it

23

01 wouldn't --- it was too small to
02 power the pump. So I just switched
03 the cat head over to a larger
04 breaker, and the breaker was set up
05 on the pump, and I walked --- the
06 pump is located in the return, at 22
07 block on Three belt. So I set the
08 breaker up and I walked over to the
09 pump.

10 And I was over walking to the
11 pump and I felt --- what I thought it
12 was, was a pretty good roof fall
13 because I felt, you know, something
14 like a small pillar fall. The air
15 come at me and it hit me, and then it
16 kind of backed up like a small pillar
17 fall would be. And of course, the
18 power kicked on the pump at that
19 time, too. And when I was in the
20 return, I never saw any dust or
21 anything. But when I walked back
22 over --- I went through the man door
23 back over to the belt and track there
24 and it was real dusty, mostly rock
25 dust. It was white dust.

01 And then I walked down to the
02 mine phone and I called the
03 dispatcher. And I said --- we call
04 him Flea. I said, Flea, what's going
05 on? And he said, well, we had a big
06 lightning strike and we lost the
07 power on Three and Four belts. He
08 said, One and Two is still running.
09 And there were other people on the
10 phone, too. I know Dick Wilfong was
11 on. I know one of the mechanics was
12 on there, and they were going to set
13 the power up. And I told the
14 dispatcher, I said, we may have had a
15 big roof fall here somewhere close.
16 And I said, tell them not to put the
17 power on. They were coming in to put
18 the power on the Three belt. I said,
19 tell them not to try to put it on
20 while I walked up the track here.
21 I'm going to walk up the track and
22 back down the belt and see if I can
23 see a roof fall. I walked up the
24 track probably eight or ten blocks,
25 then I come back down the belt line,

01 and no fall. I get back to the phone
02 and I told him there was no fall, and
03 he said, well, coming in, he said,
04 there might be a fall on up the line,
05 but I said, he'll know. There will

06 be a ground fall flag if there had
07 been a fall somewhere. So I just
08 stayed there at the phone.

09 I stayed there at the phone a
10 little bit. My son works at the ---
11 he's a beltman at the mine, and he
12 was up at Four Head, approximately 15
13 blocks in by me, and he said, well,
14 there's dust up here, too, there was
15 a bunch of dust. And he said the
16 fall may have been up here. He said
17 he was going to look around. I said
18 okay. But in the back of my mind, I
19 knew it wasn't a fall then. I was
20 figuring something else happened.

21 So I was standing there
22 thinking, and I called the dispatcher
23 and I asked him if any --- we had any
24 CO detectors picking up CO. And he
25 said, yes, the Two Left detectors are

26

01 all pegged. And at that time, I said
02 we've had an explosion. And from
03 that point on, the superintendent of
04 the mine got on the phone. He asked
05 me where I was. And there were other
06 people talking on the phone. He
07 said, where are you. And well, also,
08 the One Left section foreman got on
09 there, and he told me, I'm putting my
10 men in the intake. How about you

11 watching for them to come out? So I
12 go back and forth. The
13 superintendent told me he was going
14 to pick me up there where I was on
15 the track. And I go back and forth
16 from the intake looking for these
17 guys to come down the intake and
18 waiting for him to come in on the
19 Jeep. And I never saw any of the
20 crew come in, so when he came on the
21 Jeep, I heard the Jeep coming, I come
22 over and got on the Jeep with him.
23 We got up to --- we rode in to
24 25 block on Four belt, and there's a
25 mine phone there. Dick Wilfong and

27

01 Vernon Hofer were with the
02 superintendent when they picked me
03 up. We got to 25 block, and Dick
04 Wilfong got off the Jeep and was
05 yelling for the Two Left crew. They
06 never heard from them. Got no
07 response. So we --- at this time,
08 some of the One Left crew started
09 coming out the intake at 27 block.
10 There's a man door at 27 block. The
11 One Left crew started coming out.
12 And we got all those guys and got
13 them on the Jeep, we talked for a
14 little bit, and the superintendent
15 said he was going on in. We tucked
16 the One Left crew outside, Dick,

17 Vernon Hofer and I. Some of them had
18 some smoke inhalation and they
19 weren't breathing well. And one guy
20 on the crew doesn't breathe well
21 anyway, and we were having a little
22 trouble with him. We took them
23 outside. Any time you want to stop
24 me, stop me. I don't know how far
25 you want me to go with this story.

28

01 Q. Continue. If you're all
02 right, just kind of go on as the day
03 progressed.

04 A. We took the One Left crew
05 outside. I got the guys on the crew
06 --- we give a couple of them --- put
07 a couple of them on oxygen. And one
08 of them still was having trouble
09 breathing, and I had the dispatcher
10 call an ambulance to come and get
11 him. I was afraid he had severe
12 smoke inhalation, so I called an
13 ambulance. We got those guys settled
14 down and the ambulance came and got
15 the one guy. And from that point, I
16 just listened to what those guys were
17 doing inside. That's about it.

18 Q. John, I'm going to step back,
19 and Dennis is going to --- Dennis
20 Swentosky is going to come up and ask
21 you a few more questions. Are you

22 all right? Do you want to take a
23 break?

24 A. No. I'm okay.

25 BY MR. SWENTOSKY:

29

01 Q. Hello again.

02 A. Hi there.

03 Q. I know you just went through
04 all that you did there. And as you
05 said, if we want to stop you and back
06 up, so what I'd like to do is just
07 kind of step back and kind of start
08 over again and we'll ask some
09 questions and ---

10 A. Okay.

11 Q. --- kind of lead through your
12 day again. Okay? Did you begin your
13 shift at the normal time on the day
14 of the accident?

15 A. Yes.

16 Q. Approximately what time did
17 you arrive at the mine?

18 A. I usually get there a little
19 after 6:00 --- or a little after 5:00
20 rather. I'm starting at 6:00 now. I
21 get there a little after 5:00. I get
22 dressed and go into the foreman's
23 office.

24 Q. And you said you went into the
25 foreman's office. What did you do in

30

01 there?

02 A. I talked to the one man who
03 had fire bossed the mine, Fred
04 Jamison. I talked to him about ---
05 well, just he told me that the pump,
06 he couldn't get the power to set up
07 on it. I talked to him a while. I
08 talked to the other foremen and then
09 got the belt and the track fire boss
10 book out and took the call from Mr.
11 Terry Helms. He called his report
12 in.

13 Q. That pump that wasn't ---
14 where was that located again?

15 A. It was --- the pump is located
16 in the return at 22 block on Three
17 belt.

18 Q. Did he say like why the pump
19 wouldn't start or did he give you any
20 other information about that?

21 A. He just said he couldn't get
22 the breaker to set on it.

23 Q. Have you had any problems with
24 that pump before at all?

25 A. No. No. It usually sets

31

01 right up.

02 Q. Do you have any idea like how
03 many pumps you do have in the mine?

04 A. Oh, my. Several. I'd have to
05 count them. Right around 12
06 probably.

07 Q. Twelve (12)?
08 A. Probably a little more than
09 12. I probably missed a few.
10 Q. Are those permissible pumps?
11 A. Well, the ones that are
12 located in the airways are. We have
13 some TNT pumps that are on the track
14 there that are not permissible.
15 Q. The switches for the pump, the
16 one that you're talking about, is
17 this in the intake or is the switch
18 in the return?
19 A. The tire care where the cat
20 head plugs in is in the belt and
21 track area. But the breaker box for
22 the pump is in the return over at the
23 pump.
24 Q. And that's what has a switch
25 on it ---

32

01 A. Yeah.
02 Q. --- that you were operating?
03 You said you took a report from Mr.
04 Helms?
05 A. Yes.
06 Q. What did he say to you?
07 A. I forget. I think he had a
08 couple of small violations on the
09 belt line. Other than that,
10 everything was clear.
11 Q. You don't recall what those
12 might ---?

13 A. No, sir.
14 Q. You say in the belt line. Do
15 you recall whether that was in the
16 belt line of the One Left section or
17 out on the mains?
18 A. I'd just be guessing. I don't
19 know what he --- I don't even
20 remember what part of the belts he
21 fire bossed. They split the belts up
22 with two fire bosses, and each of
23 them got one of the sections. And I
24 don't remember what areas they did
25 fire boss.

33

01 Q. Okay. And again, your
02 assignment for the day was?
03 A. Pump.
04 Q. Pump?
05 A. Yeah.
06 Q. And that's your normal duty?
07 A. Yeah, they were my normal
08 duty.
09 Q. What time did you enter the
10 mine that day?
11 A. I would assume it was
12 somewhere between five and ten after
13 6:00, I would assume. But that's
14 just a guess, too, because we had
15 switched mantrips, which took us
16 approximately five minutes. I would
17 say it was close to ten after when we

18 started.

19 Q. And you rode the One Left
20 mantrip in?

21 A. Yes, sir.

22 Q. And did you tell --- who was
23 operating the mantrip?

24 A. Owen Jones.

25 Q. Owen Jones?

34

01 A. Yeah.

02 Q. Did you tell him where you
03 wanted left off beforehand?

04 A. Yes, sir.

05 Q. And where was that?

06 A. At the One Right switch.

07 Q. One Right switch. How long
08 after the Two Left mantrip did you
09 leave? In other words, what was the
10 space between you or did they leave
11 before you or ---?

12 A. I'm guessing it would have
13 been between --- somewhere around ---
14 between five and ten minutes. I'd
15 say we were approximately seven,
16 eight minutes behind them.

17 Q. And what was the reason you
18 were behind them for that distance?

19 A. The mantrip that we had
20 wouldn't seat everyone who had to
21 ride. It was a single seat on each
22 end, so we went over and switched and
23 got one that had a double seat on

24 each end of the mantrip where we
25 could seat everyone.

35

01 Q. The mantrip that you were
02 using, was that an open-type,
03 closed-type?

04 A. It's closed on the ends. The
05 operator's compartment is open and
06 the ends are closed.

07 Q. After the Second Left crew
08 entered the mine, did you ever have
09 any other contact with them at all?

10 A. No, sir.

11 Q. Or anybody on that trip
12 or ---?

13 A. No, sir.

14 Q. How many people were in your
15 mantrip? Do you recall the names of
16 those people maybe?

17 A. There were probably 14 of us
18 on that trip.

19 Q. Do you know who?

20 A. Of course Owen Jones was on
21 it. The mechanic would have been Hoy
22 Keith, Roger Perry.

23 Q. Roger Perry, okay.

24 A. Gary Carpenter, Gary Rowen,
25 Randy Helmi ck, Ron Gra l l , mysel f, my

36

01 son, John P. Boni .

02 Q. Was that Pat?

03 A. Pat Boni , yes.
04 Q. Denver Anderson. Probably a
05 couple more, but I can't ---.
06 Q. Was Chris Tenney ---?
07 A. Yes, he was. Paul Avington.
08 Q. Paul Avington. Joe Ryan?
09 A. Yes.
10 Q. Alton Wamsley?
11 A. Yes.
12 Q. And Eric Hess?
13 A. Yes.
14 Q. Was that more people than
15 normal that ride your mantrip?
16 A. No. Usually when we go in,
17 the crews go in, Ron Grall, who helps
18 walk the air, he's helping me, he
19 pumps and walks the airway. And my
20 son usually rides on one of the
21 trips. We don't all normally ride on
22 the same trip, like we did that day,
23 but ---.
24 Q. That would be because ---?
25 A. We catch a ride into the mine

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01 with the section crews.
02 Q. Depending on where you're
03 going to be on a particular ---?
04 A. Depending on where we're going
05 would determine on which trip we
06 take.
07 Q. And you said that's ---
08 normally there's more people or less

09 people than that?

10 A. No. Normally, those are the
11 people who go in at the start of our
12 shift.

13 Q. On that One Left trip?

14 A. Well, like I said, sometimes
15 one of us will catch the Two Left
16 trip before going up that way.

17 Q. Did all the people travel to
18 the One Left section, all the people
19 who were on that trip? Well,
20 obviously, you got off.

21 A. I got off and my son got off
22 at Number Four belt drive.

23 Q. When and where did you exit
24 the trip? Where did you actually get
25 off? And I know you told me again,

38

01 but just ---.

02 A. I got off right at the One
03 Right switch.

04 Q. One Right.

05 A. The power car for that pump is
06 right across from the One Right
07 switch.

08 Q. When was the next time or
09 approximately what time did you have
10 any --- was the first time you had
11 contact with other miners or someone
12 else in the mine?

13 A. Well, I got the breaker and I

14 switched the cat head to a bigger
15 breaker in that box. I set --- the
16 power is then set up on the pump.
17 That box is located at 17 block. I
18 walked the pump to 22 block. So I
19 walked up five blocks over into the
20 return, to that pump. While I was
21 there, and this time when I got
22 there, the power kicked and I felt
23 the air hit me. I walked back down
24 to the telephone, which is at that
25 power car, the belt power center that

39

01 runs that pump, and I called the
02 dispatcher. So you're talking
03 approximately ten minutes after I got
04 off maybe I called the dispatcher.

05 Q. Do you know approximately what
06 time you started that pump?

07 A. It would just be a guess, but
08 I would say at least 6:10, 6:20.

09 Q. 6:10, 6:20?

10 A. I would say somewhere --- it
11 probably took us ten minutes before
12 he dropped me off. I'd say I started
13 that pump at approximately ---
14 probably 6:25 probably, just a guess.

15 Q. Is that the only pump in that
16 return?

17 A. No. That's the main return
18 for the mine. And we have other
19 pumps in there.

20 Q. Inby?
21 A. We have one outby and several
22 inby.
23 Q. Have you ever had any other
24 problems with that pump before?
25 A. No, sir.

40

01 Q. What was --- you already told
02 me. Can we go over to the map here,
03 and maybe if we could draw a line
04 starting on the surface of when ---
05 where you went and your travel ---
06 A. Okay.
07 Q. --- as you enter the mine, if
08 we could do that? And we'll use our
09 map, which we will identify as
10 Exhibit One. We'll use this pink
11 marker.
12 (Exhibit One marked for
13 identification.)
14 BY MR. SWENTOSKY:
15 Q. Just start at the mine
16 opening.
17 A. Okay. I traveled ---.
18 Q. You'll have to kind of press
19 on that a little bit.
20 A. I got off the trip right here.
21 Q. And that's the One Right
22 switch?
23 A. That's the One Right switch.
24 Q. And you started at the pit

25 mouth and you traveled up to --- what

41

01 do you call this?

02 A. That's One Tail and Two Head.

03 Q. One Tail and Two Head? And

04 then you made the turn to the right

05 and then what do you call this right

06 here?

07 A. We call this Two Tail, Three

08 Head.

09 Q. Two Tail, Three Head. And

10 then you traveled in by on the track

11 entry to the One Right switch; is

12 that correct?

13 A. Yeah.

14 Q. Could you draw a line again

15 with that pink marker where that pump

16 was located?

17 A. Okay. I come over to the

18 belt. There should be a man door

19 right here. I come through here, and

20 that pump was located ---.

21 Q. For the record, you --- at the

22 One Right switch then you went to the

23 left and entered the belt entry,

24 which is the Number Four entry?

25 A. The belt fire center is

42

01 located right here. One right here.

02 Q. Was that on? Was the power

03 on?

04 A. Yes, sir, the power was on.

05 Q. The belts were running?
06 A. Yeah.
07 Q. When did those belts start
08 running? Who started those belts?
09 A. It was running when I got up
10 to it, so I don't know.
11 Q. Was it running when you
12 started into the mine?
13 A. Well, I never noticed. When I
14 came down here, I know one was. I
15 would just be guessing. But I know
16 that when I got here, that the belts
17 were running.
18 Q. Are the belts usually on
19 whenever you enter the mine?
20 A. Yes, sir, the belts are
21 usually on.
22 Q. Okay. Getting back to where
23 you went here, you get off at the One
24 Right switch. You went into the belt
25 entry, which is the Number Four

43

01 entry. And then you travel in by the
02 belt entry to 22 --- well, this
03 is ---.
04 A. Twenty-one (21). I went to
05 22.
06 Q. To 22, and then you entered
07 the return?
08 A. I entered the return.
09 Q. Is there water laying here?

10 I see on the map here that it's blue
11 in. Was there water laying there?
12 A. Yeah, there's water. Not this
13 whole area. The water --- when I got
14 here, the pump is right here.
15 Q. Let's cross that other one
16 out. Can you just draw a line and
17 mark pump right here, please?

18 WITNESS COMPLIES

19 BY MR. SWENTOSKY:

20 Q. So then you went over --- and
21 the pump is actually between ---
22 located between Number One entry and
23 Number Two entry; is that correct?

24 A. Yes.

25 Q. And that would be ---?

44

01 A. It's closer to One.

02 Q. That's at 22 block?

03 A. Yes.

04 Q. Okay. You can sit down. And
05 again, you left the pump after it
06 started and then you traveled over to
07 --- into the belt entry and exited.
08 And where were you at whenever ---
09 again, where were you at whenever
10 this --- you felt this rush of air?

11 A. I was in the return ---

12 Q. Oh, you were still in the
13 return?

14 A. --- when I felt the air.

15 Q. And was that next to the man

16 door, in the entry next to the man
17 door or ---?

18 A. Yeah. I was probably ---
19 yeah, I was probably in Number Three
20 entry.

21 Q. And that would be next to the
22 stopping light?

23 A. Yes, sir.

24 Q. When you felt this rush of
25 air, was there any dust or anything

45

01 else?

02 A. No, not in the return.

03 Q. Just a rush of air, no dust or
04 anything like that, didn't feel
05 anything else? Did you feel any
06 popping in your ears or anything?

07 A. No. It wasn't that forceful.
08 It was --- like I said, it was just
09 kind of like a small pillar fall.

10 Q. Okay.

11 A. I've had pillar falls with
12 more force than that.

13 Q. And what did you think at the
14 time?

15 A. I thought that we had had a
16 roof fall somewhere fairly close to
17 me.

18 Q. All right. And then you went
19 over into the belt entry; is that
20 correct?

21 A. Yes, sir.
22 Q. Through the man door?
23 A. Yes.
24 Q. Did you close the man door?
25 A. I probably did. I assume I
01 did, ---
02 Q. Okay.
03 A. --- but I can't say for sure.
04 Q. Okay.
05 A. It closes --- yeah, it was
06 closed because it closes by itself.
07 Q. And those doors open up
08 horizontally or vertically?
09 A. Horizontally.
10 Q. Horizontally, okay. After you
11 went through the man door, then what
12 did you do?
13 A. I said --- when I stepped
14 through the man door, I immediately
15 came into thick dust.
16 Q. Dust?
17 A. Yes. So I went back to the
18 mine phone and called the dispatcher.
19 Q. When you went into this dust,
20 I think you previously mentioned that
21 it looked like it --- it was like a
22 lot of rock dust?
23 A. Yeah. It was white. It was
24 rock dust.
25 Q. White dust?

46

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01 A. Mostly.

02 Q. At that time, was it kind of
03 hanging or moving or ---?

04 A. It was kind of hanging. It
05 took a good little bit for it to
06 clear out. Of course, there's not a
07 lot of air movement on the track and
08 belt. There's air movement, but not
09 a lot.

10 Q. When you say not much
11 movement, did you ever take any
12 velocity readings or anything like
13 that?

14 A. Not for a good while. I used
15 to when I fire bossed the belts, but
16 I haven't for several months.

17 Q. Do you recall ever hearing
18 anyone or know about anyone having
19 any velocity problems on the belt?

20 A. Not for a good while. We used
21 to back --- when I first came to the
22 mine, we had a little trouble with
23 belt air velocity.

24 Q. When you say --- was it lower
25 or ---?

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01 A. It was low, but that was ---
02 you know, no major problem with the
03 belt air. There's good air movement
04 on the belts outby. The problems
05 they had, I think, were closer to the

06 section where they --- I remember a
07 couple times that they had some
08 problems when I first went to the
09 mine, but we haven't had any problems
10 with the belt in there for several
11 months.

12 Q. Do you know what they did to
13 correct that?

14 A. Not really. I assume they
15 made some curtains, ventilation
16 curtain adjustments close to the
17 section, I assume, but I really don't
18 know. But it wasn't a major problem
19 on the belt line, just --- right at
20 the section, with a blowing system,
21 you have to regulate your air pretty
22 good to get your movement --- or
23 proper ventilation movements on the
24 section and on the belt close to the
25 section. And that's the small

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01 problem they had at that point in
02 time.

03 Q. Do they have doors at the
04 front end, at the pit mouth?

05 A. Air lock doors.

06 Q. Air lock doors?

07 A. Yes, sir.

08 Q. Were those doors ever left
09 open, you know, on occasion?

10 A. I have never seen them left
11 open myself.

12 Q. Did you have a methane
13 detector with you?
14 A. No, I did not.
15 Q. Whenever you go to check
16 pumps ---?
17 A. I normally carry one, but ---
18 Q. You normally carry one?
19 A. --- I didn't have one that
20 morning.
21 Q. Do you --- whenever you go to
22 these pumps, are those areas usually
23 pre-shifted prior to you getting
24 there, or do you conduct your own
25 pre-shift exam?

50

01 A. Someone usually gets them
02 every shift, the ones that we run
03 normally. Now, the ones that we
04 don't run all the time, sometimes I
05 check them before I pump ---.
06 Q. So you conduct --- I'm sorry.
07 Go ahead.
08 A. You go ahead.
09 Q. Okay. So you conduct your own
10 examination, pre-shift examination,
11 for yourself when you go to these
12 pumps?
13 A. Uh-huh (yes). Yeah, some of
14 them. Like I say, some of --- the
15 ones that we run continually or run
16 frequently, the guys on the other

17 shift check those, too.
18 Q. I see.
19 A. But there's a couple we don't
20 run very frequently.
21 Q. The pumps that you were going
22 to go to this particular day, do you
23 know if there were pre-shift
24 examinations made at those pumps?
25 A. Yes, sir. Mr. Fred Jamison

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01 told me the pump --- he was at the
02 pump and he couldn't get it.
03 Q. And he made that examination?
04 A. Yes.
05 Q. Did you happen to feel any
06 second rush of air?
07 A. No, I really didn't feel a
08 second rush. Like I say, it was just
09 --- the air hit me and then it backed
10 up, and then it just went to normal
11 flow. But it did --- just like I
12 said, just like a pillar fall would
13 be, you know, the air will rush out
14 and then it will go back.
15 Q. Yes.
16 A. The first thing that entered
17 my mind was we had a roof fall fairly
18 close to me.
19 Q. When you entered the belt
20 entry and then you had this --- you
21 saw all this dust you considered
22 white, did you feel that there was

23 any smoke in the air or did you feel
24 any heat or anything like that?

25 A. No, sir.

52

01 Q. And I know you mentioned when
02 you were in the return that it backed
03 up.

04 A. Uh-huh (yes).

05 Q. But when you were in the belt
06 entry, did that --- did it just
07 sustain and was it moving at all?

08 A. When I got back to the belt
09 entry, it was just hanging. The dust
10 was more or less just hanging in the
11 air.

12 Q. Not much movement?

13 A. Not much movement.

14 Q. After that, did you hear
15 anything? I know you obviously went
16 to the phone. But I mean, at that
17 point, did you hear anything? Just
18 some air movement, that's all? You
19 didn't hear anything?

20 A. I never heard anything.

21 Q. And you had mentioned that you
22 didn't feel any popping in the ears?

23 A. No, sir.

24 Q. Did you feel that the air had
25 reversed or anything like that at all

53

01 at any time? I know you said it came

02 at you and then moved away, but ---.

03 A. Well, you know how --- like I

04 said, the air came at me and then it

05 moved back in. I wouldn't say the

06 air reversed. But just like on a ---

07 I said like a pillar fall, the air

08 will come at you and then it will go

09 back into the gob. And that's the

10 way it felt.

11 Q. And what I was referring to

12 was actually a change in air

13 direction of some sort.

14 A. I never noticed that, no.

15 Q. Well, obviously, you weren't

16 knocked down. You didn't lose your

17 hat or anything like that?

18 A. It wasn't a force --- like I

19 said, I've been in pillar falls that

20 were a lot more forceful. It wasn't

21 that forceful.

22 Q. And then when you went into

23 the belt, let's go again, where did

24 you go from there then?

25 A. I entered the belt line. I

54

01 walked back down to the telephone

02 that was located at One Right switch.

03 Q. During that travel down there,

04 did you notice any damage to any

05 ventilation controls at all?

06 A. No, sir.

07 Q. Who did you call on the

08 surface?

09 A. I called the dispatcher.

10 Q. And that's ---?

11 A. His name is Bill Chisolm, but
12 we call him Flea.

13 Q. And again, what was the extent
14 of that conversation?

15 A. I got on the phone. I said,
16 Flea, what's going on. And he said,
17 we had a big lightning strike and we
18 lost the power on Three and Four
19 belts. Then I told him I had a lot
20 of dust in the area I was in and we
21 may have had a fall on the
22 high-voltage line pretty close to me.
23 And I told him I was going to walk up
24 and examine the area for a ways up to
25 see if I could find the roof fall.

55

01 Q. During that conversation ---
02 and he's the dispatcher?

03 A. Yes.

04 Q. Did he say anything about the
05 CO levels or over the phone maybe did
06 you hear any beeping of the alarms or
07 anything outside at all?

08 A. No, sir.

09 Q. Did he say anything to you
10 about the CO levels at all ---

11 A. No, sir.

12 Q. --- at that time?

13 A. No, sir.
14 Q. That was the extent of that
15 particular conversation?
16 A. Yes.
17 Q. And then after you spoke to
18 him, then you walked ---?
19 A. I walked up the track and back
20 down the belt approximately, I don't
21 know, probably eight blocks or so
22 looking for a roof fall.
23 Q. What was your furthest point
24 of travel do you think? You said
25 eight blocks or so.

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01 A. At that time, eight blocks
02 probably.
03 Q. Up the track. Then you came
04 --- then you went into the belt
05 entry?
06 A. Come back down the belt line,
07 looking for a fall, and got back to
08 the telephone.
09 Q. Whenever you went into the
10 belt entry, at that point, eight
11 blocks in by the telephone, what was
12 going on in there? What did you see
13 in there at that point?
14 A. There was still dust hanging
15 in the air.
16 Q. Still dust. And it was the
17 same type of dust ---?
18 A. Same type. It was mostly

19 white, like rock dust.

20 Q. Moving any slower or any
21 faster?

22 A. I don't know. I never --- I
23 couldn't say.

24 Q. Then you walked down the belt,
25 back down the belt. And just go from

57

01 there.

02 A. I walked back down the belt to
03 the telephone. And like I said, in
04 the back of my mind, I knew something
05 else happened. And I was thinking as
06 I was coming back down the belt, and
07 I got to the phone and then it
08 entered my mind that we may have had
09 an explosion at that time. So I
10 called outside again. And this time
11 I talked to Gary Marsh, who was the
12 outside man.

13 Q. When you say the outside man,
14 if I may ---?

15 A. He's the yardman. He loads
16 the supplies and takes care of the
17 yard. At this time I called Gary
18 Marsh and I asked Gary --- I said,
19 Gary, do we have any CO sensors
20 showing any CO. And he told me that
21 the ones on Two Left, the Two Left
22 belt line, were showing CO. He told
23 me what it was, 107 and 170 or

24 something like that. And at that
25 time, I assumed we may have had an

58

01 explosion.

02 Q. And he actually said it was on
03 the Two Left ---

04 A. Yes.

05 Q. --- section of the ---? Did
06 he mention any other areas of the
07 mine that the CO ---?

08 A. No, he didn't. He told me Two
09 Left.

10 Q. Now, was that the extent of
11 the conversation or did you ---?

12 A. Yeah. And then other people
13 started getting on the phone, the
14 section foreman, Owen Jones. And the
15 superintendent got on and said he was
16 going to pick me up. And you know,
17 it was getting --- here you got some
18 people knowing something is wrong,
19 but they don't know what it is.

20 Q. Yes, I understand.

21 A. So there were different people
22 on the phone.

23 Q. And when Owen Jones was on the
24 phone, do you recall what he might
25 have said?

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01 A. All he said to me was I'm
02 putting my men in the intake. Would
03 you take care of them? And I said

04 yes.

05 Q. Was there just a discussion
06 with other people on the phone? It
07 was like three or four people --- as
08 an example, three or four people on
09 the phone at the same time, is that
10 what you're saying?

11 A. There were several people on
12 the phone. Like I said, I don't
13 remember who was first, second,
14 third, but I do ---

15 Q. Yes, I understand.

16 A. --- remember my son got on
17 there and said there was dust here or
18 the superintendent got on and said,
19 where are you, and I told him. He
20 said, I'm going to pick you up.
21 There were several people on the
22 phone at this time.

23 Q. And the superintendent you're
24 talking about, Mr. Toler?

25 A. Mr. Toler.

60

01 Q. And he's the one that said
02 that he would pick you up?

03 A. Yes.

04 Q. What else did he --- did he
05 say anything else to you?

06 A. No. He said, where are you?
07 He said he was coming in at that time
08 and he was going to --- he said, I'll

09 pick you up.

10 Q. Did he say anything like what
11 he was going to do or anything
12 after ---

13 A. No, sir.

14 Q. --- he picked you up?

15 A. No, sir. No. He didn't know
16 what was going on either. He was
17 just coming to see what he could
18 find.

19 Q. I see. Okay. Then after that
20 discussion on the telephone, tell me
21 what you did. Let me ask you this.
22 Did you don an SCSR at any time?

23 A. No, sir. There was no smoke
24 or --- there was, like I said, mainly
25 rock dust in the area that I was in.

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01 Q. And that's what led you to
02 make that decision not to don an
03 SCSR. Did you don an SCSR at any
04 time that day?

05 A. No, sir.

06 Q. Tell me, if you would, please,
07 what next. You were waiting at the
08 telephone?

09 A. Yeah. Like I said, I was at
10 the phone, but I kept walking back
11 over into the intake airway, looking
12 for the One Left crew to be coming
13 down the intake. And however long it
14 took, maybe five --- somewhere

15 between five and ten minutes before
16 the superintendent picked me up. I
17 kept going from the intake back to
18 the track, looking for those guys and
19 looking for him to come in.

20 Q. The telephone was located in
21 the track entry?

22 A. No. It's really closer to the
23 --- it's between the belt and the
24 track. The belt and the track are
25 isolated.

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01 Q. Yes, I understand.

02 A. It's between the belt and the
03 track, at that power car that powers
04 that pump that I was checking.

05 Q. And then at the phone, you
06 kept going back to the track entry
07 just to see ---?

08 A. Just to see who I would see
09 first, the crew coming out of One
10 Left or the Jeep coming in.

11 Q. Oh, I see. You were flipping
12 back --- or traveling back and forth
13 ---

14 A. Yeah, I was just traveling
15 back and forth.

16 Q. --- between the primary
17 escapeway and the track entry?

18 A. And the track entry.

19 Q. Okay. I understand.

20 A. Yes.

21 Q. Okay. And approximately how

22 long did it take Mr. Toler and the

23 people that were with him to get

24 there?

25 A. I'm --- and it's just a guess,

01 ---

02 Q. Sure.

03 A. --- but I'm going to say

04 approximately ten minutes.

05 Q. Ten minutes?

06 A. Uh-huh (yes).

07 Q. Do you happen to know about

08 what time that was?

09 A. No, sir. I never looked at my

10 watch one time.

11 Q. Yes, I understand.

12 A. It just wasn't important to

13 me.

14 Q. Exactly. I understand that.

15 Who did you see first? Did you see

16 any of the crew coming out or did you

17 see Mr. Toler coming first?

18 A. I saw the Jeep coming.

19 Q. Coming, okay. After he

20 arrived there, what did you do?

21 A. I got in the Jeep with the

22 guys. Mr. Toler, Mr. Wilfong and Mr.

23 Hofer were on the Jeep. I got in the

24 Jeep with them, and they proceeded in

25 the mine.

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01 Q. At that time, did any of those
02 people have any detectors, methane
03 detectors?

04 A. No. Well, I also called
05 outside --- after it hit me we may
06 have had an explosion, I called
07 outside and asked the dispatcher to
08 have those guys bring some detectors
09 because I didn't have one.

10 Q. Was that a third call?

11 A. Yeah. I called --- but when I
12 got ahold of him, they had already
13 left.

14 Q. Okay. So then while you were
15 going back and forth, looking for the
16 men coming out and Mr. Toler to come
17 in, you had made a third call?

18 A. Yes, I made a third call at
19 some time to have them bring a
20 detector.

21 Q. And who did you speak to?

22 A. I think I talked to the
23 dispatch --- either the dispatcher
24 --- Gary Marsh, the yardman, and the
25 dispatcher were --- you know, things

01 were busy there, and I don't know who
02 I talked to the third time and asked
03 for a detector.

04 Q. And they said that they had

05 already left?

06 A. Said they had already left,
07 yes.

08 Q. So when they arrived, no one
09 had a detector with them?

10 A. No, sir, they didn't have a
11 detector, because the superintendent,
12 Jeff --- Mr. Toler, asked me if I had
13 one. I got on the Jeep. I got in
14 the front end with Mr. Toler and I
15 told him that I thought we had an
16 explosion. And he said, we couldn't
17 have. How --- you know, we couldn't
18 have. How could it have happened? I
19 said, I don't know, but I think we
20 had one.

21 Q. Was that the extent of the ---
22 did anybody else say anything or ---?

23 A. No. I was in the inby end of
24 the mantrip with him and we talked a
25 little bit going up, and that was our

66

01 conversati on.

02 Q. When you say on the inby end
03 of the mantrip, was that a separate
04 compartment from the other ---?

05 A. Yeah, it was a compartment.
06 There's a passenger compartment on
07 the inby end and a passenger
08 compartment on the outby end.

09 Q. So you were in with Mr. Toler?

10 A. I was in with Mr. Toler.

11 Q. Was he the only one in there
12 with you?

13 A. In that compartment, yes.

14 Q. What did you guys talk about
15 whenever --- other than the detector?

16 A. That's all I really remember
17 us saying. It doesn't take that long
18 to get where we were going to where
19 we stopped the first time or where we
20 left --- where we stopped. We
21 traveled approximately 30 blocks
22 probably.

23 Q. And again, that was the only
24 thing that was said during that ---?

25 A. Yeah. I mentioned that, and

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01 he said, we couldn't have, how could
02 we. I said, you know, I don't know,
03 but --- and then he asked me if I had
04 a detector. I said, no, I don't have
05 one.

06 Q. I see. Okay. Then did you
07 hear anybody else say anything? I
08 know you were in the front
09 compartment, but at any time prior to
10 getting there, when you first met up
11 with him, did anybody else say
12 anything?

13 A. I don't remember anybody else
14 saying anything. I think Mr. Wilfong
15 was trying --- contacted the

16 dispatcher on the way up the track
17 and talked to him about something,
18 but I don't remember what he said.
19 Q. Mr. Wilfong was ---. How was
20 he trying to make contact or get ---?
21 A. Well, on the mantrip or Jeep
22 phone, trolley phone, whatever you
23 want to call it.
24 Q. Those telephones there, you're
25 able to talk to the surface with

68

01 those phones?
02 A. Yes, sir.
03 Q. Can you talk to the sections?
04 A. You can talk to another ---
05 you can't talk to the section, but
06 you can talk to another mantrip,
07 another Jeep that has a phone line.
08 Q. Have you ever seen them do
09 that?
10 A. Yeah. Yes, sir.
11 Q. Do you know how far like cars
12 would have been --- the distance
13 between mantrips whenever you are
14 able to make those conversations?
15 A. No, I don't --- I usually just
16 ride in with the crew. I don't ride
17 the mantrips much. I usually ride in
18 --- what my normal routine would be,
19 ride in to the farthest part of the
20 mine and start the pumps, and then I
21 walk out and examine all the pumps

22 and pump the water that needed pumped
23 that day. I don't ride the Jeeps
24 much, the mantrips much.

25 Q. After you were picked up there

69

01 and then you rode into the --- how
02 far did you --- do you recall what
03 block that you rode to?

04 A. We rode to 25 block, where
05 there was a mine phone. And Mr.
06 Wilfong got off the Jeep there and
07 asked the dispatcher if he had heard
08 from the Two Left crew. They never
09 had any communication with the Two
10 Left crew. And while he was talking
11 to him, we saw some guys coming out.
12 Two blocks in by that phone there's a
13 door.

14 Q. Excuse me a second. Back up.
15 When you stopped at --- you said 25
16 block?

17 A. Yes, sir.

18 Q. Okay.

19 A. Twenty-five (25) on Four.

20 Q. Twenty-five (25) on Four. And
21 was it Mr. --- can you explain that
22 to me again?

23 A. Mr. Wilfong got off the
24 mantrip and used the mine phone and
25 called the dispatcher and asked him

70

01 if he had heard anything from the Two
02 Left crew.

03 Q. Was there ever any attempts
04 made there to call the Two Left
05 section from your mantrip?

06 A. I heard people yelling for Two
07 Left on the phone down at One Right,
08 when I was there on that phone,
09 people yelling, trying to get ahold
10 of Two Left. And they were yelling
11 to get ahold of Two Left when we
12 stopped at 25 block. After Dick ---
13 Mr. Wilfong talked to them, they were
14 still trying to get ahold of the Two
15 Left crew.

16 Q. Did they use the mantrip phone
17 to try ---?

18 A. Not that I remember. But I do
19 remember the mine phone.

20 Q. It was the mine phone, the
21 pager system. Okay. All right. Go
22 ahead.

23 A. I just said when we stopped
24 there, then the One Left crew started
25 coming out of the intake at 27 block,

71

01 two blocks in by us.

02 Q. At 27.

03 A. So we went up, and of course,
04 then we knew --- well, they told us
05 there was an explosion. We knew what
06 had happened. We got them on the

07 trip. Mr. Toler and Mr. Schoonover
08 headed on in by. We come back with
09 the crew, taking them to the outside.
10 And we stopped at 25 block, at the
11 phone again, and Dick Wilfong called
12 the dispatcher and told him --- I
13 think his words were, we've got
14 something bad wrong, call the state,
15 the federal, get the mine rescue
16 teams, get the emergency squad, get
17 everybody out here.

18 Q. Okay. When you were at 25
19 block and then 27 block and you were
20 in the track entry --- right?

21 A. Uh-huh (yes).

22 Q. What was the atmosphere like
23 there? What was the air ---?

24 A. It was clear.

25 Q. It was clear?

72

01 A. Yes.

02 Q. Then you saw the --- when you
03 first saw them, did someone actually
04 poke through a man door?

05 A. Yes.

06 Q. They come through the man
07 door?

08 A. Yes.

09 Q. Were they wearing SCSRs?

10 A. Yes, sir.

11 Q. They were? How many people

12 --- did the whole crew come through

13 there at that time?

14 A. Yes, the whole crew, except

15 for the section boss. He was still

16 inby somewhere.

17 Q. Do you want to take a break

18 for a little bit?

19 A. No, I'm fine.

20 Q. You're fine. Okay. You're a

21 trooper. Now, the crew that came

22 through there, through the man door,

23 and you said they were wearing SCSRs

24 at that time, ---

25 A. Yes.

73

01 Q. --- did they take their SCSRs

02 off then or do you know when they

03 took their ---?

04 A. They took them off then.

05 Q. Did anybody say anything about

06 the SCSRs? Was it hard breathing or,

07 I mean, make any type of comment

08 about the SCSRs?

09 A. Not that I recall.

10 Q. But all of the miners were

11 wearing them?

12 A. I think so.

13 Q. After they come through the

14 door there and you loaded --- or they

15 got on that mantrip that you were

16 using, that you used to come in, ---

17 A. Uh-huh (yes).

18 Q. --- and they went outside?
19 A. Yes, sir.
20 Q. And who told them to go
21 outside at that point; do you recall?
22 A. I think the superintendent
23 told us to take them out, I assume.
24 Q. Then they left and you stayed?
25 A. I rode out with them.

74

01 Q. Rode out with them. Okay.
02 And who went in by?
03 A. Mr. Toler and Mr. Schoonover.
04 Q. Schoonover, okay. And did
05 they happen to tell you where they
06 were going or what they were going to
07 do?
08 A. No.
09 Q. Did any of those miners that
10 come out the One Left crew, did any
11 of them have detectors?
12 A. I doubt it. I don't think so.
13 Well, they probably had a detector,
14 but it wasn't a three gas detector.
15 So they just brought them to detect
16 methane.
17 Q. Methane and oxygen. Did Mr.
18 Toler or Mr. Wilfong ask them at all
19 for any detectors, or did they take a
20 detector with them?
21 A. I don't think they took a
22 detector with them, but I --- you

23 know, I'm not sure.
24 Q. Do you have any idea --- and I
25 know the time, but maybe you heard

75

01 someone say --- you say you never
02 looked at your watch, but did anybody
03 say anything or do you know
04 approximately what time that was when
05 you left for the --- traveled to the
06 surface?

07 A. No, sir. I have no idea.

08 Q. And you left for the surface
09 and you obviously traveled the track
10 entry out. Did you stop any other
11 place?

12 A. I think 25 block, where Mr.
13 Wilfong used the phone, was the only
14 place we stopped.

15 Q. So that your exit was
16 continuous to the surface, ---

17 A. Yes.

18 Q. --- without stopping?

19 A. I think, yes, sir. I don't
20 remember having stopped.

21 Q. Do you have any idea or did
22 anybody say anything about what time
23 you exited the mine, what time you
24 arrived on the surface?

25 A. Not that I can recall.

76

01 Q. Then once you reached the
02 surface, was there anyone there to

03 meet you or talk to you or there in
04 the pit or anything like that, or who
05 was there? I asked you a lot of
06 questions there at one time; didn't
07 I? Sorry. What happened then
08 whenever you reached the surface?

09 A. We reached the surface, the
10 guys were --- we got them all out of
11 the trip. As I say, Mr. Keith is not
12 in --- he doesn't move very well and
13 doesn't breathe very well. He was
14 down. We got him out of the mantrip,
15 set him down. I talked to someone, I
16 don't know who it was, and told them
17 to get a truck to come down and pick
18 him up.

19 Q. So there was some people down
20 there to meet you?

21 A. Yeah. I don't even know who
22 it was, but I told them to get a
23 truck and come down and pick him up.
24 My son had walked out to the intake.
25 And I walked up to the dispatcher's

77

01 office to see if he had come out, and
02 he was up there. And then the guys
03 were in the bathhouse. And like I
04 say, we put one on oxygen, one had
05 his eyes --- had a lot of smoke in
06 his eyes, and we washed his eyes out.
07 And then I just worked with the men

08 there that we brought out of the
09 mine.
10 Q. You mentioned Keith. He's the
11 gentleman that did have some
12 difficulty breathing?
13 A. Yes. And there was another
14 one who ---.
15 Q. Those individuals did have
16 SCSRs on, also? I know you said
17 everybody, but I'm just trying to jog
18 your memory in case ---?
19 A. I think they did, yes. I
20 can't be sure that they all ---.
21 Q. Yes, I understand.
22 A. I saw guys coming out of the
23 door that had their SCSRs on.
24 Q. And did they take their SCSRs
25 off there?

78

01 A. Yes, they did.
02 Q. Before exiting the mine?
03 A. Before we left the mine.
04 Q. And anyone make any comment
05 about difficulty or anything like
06 that? Did anyone make a comment
07 about the SCSRs of any type?
08 A. Not that I recall.
09 Q. Did you re-enter the mine at
10 all?
11 A. No, sir. I never went back
12 in.
13 Q. And you went up to the office

14 and you helped the One Left crew
15 there with the eyes and taking care
16 of them?

17 A. Uh-huh (yes).

18 Q. Were you assigned any duties
19 after you arrived on the surface,
20 like I say, after that point?

21 A. No. I --- well, I did, yes.
22 I think Mr. Crumrine had me go down
23 and take CO readings in the return a
24 couple times, coming out of the main
25 return.

79

01 Q. Mr. Crumrine asked you to do
02 that?

03 A. Yes, sir.

04 Q. And you went down to what ---
05 to the return?

06 A. Yes, sir, the main return.

07 Q. What type of detector did you
08 take with you?

09 A. I had a three gas. I don't
10 know what the brand was, but it was a
11 three gas detector.

12 Q. Okay. And you went down over
13 the hill, down to the pit. Now, what
14 entries did you take CO --- or
15 methane ---?

16 A. Just the Number One entry, the
17 main return.

18 Q. The main return?

19 A. Yes.
20 Q. What did you find there?
21 A. The CO wasn't high. I'm
22 thinking we also took an air reading.
23 Q. Okay.
24 A. A guy by the name of --- we
25 call him Skip, James Scott, went with

80

01 me. And we took a return air
02 reading, and the CO level at that
03 time was 47 parts per million, I
04 believe.
05 Q. Okay.
06 A. And the return air reading was
07 about normal. I forget what it was,
08 but it wasn't far off. He took the
09 return air reading, and it wasn't far
10 off from what I get when I check it.
11 Q. Where did you actually go to
12 take those air readings? Did
13 you ---?
14 A. We went inside the mine
15 approximately 50 feet.
16 Q. Approximately 50 feet?
17 A. Yes.
18 Q. When you take --- have you
19 taken air readings at the return or
20 at the mine openings on other
21 occasions?
22 A. Yes, sir.
23 Q. Is that your normal duty, to
24 take that?

25 A. Yes. I've taken them several

81

01 times. Recently, since Mr. Grall
02 came, started helping me, he's been
03 walking the returns, and I've been
04 walking the intakes. And he's been
05 taking the return readings for, oh,
06 probably three months.

07 Q. Okay.

08 A. But before that, I took it.
09 Normally, I walked all the airways in
10 there. I took all the air readings.

11 Q. You said you took the air
12 quantity reading approximately 50
13 feet in by?

14 A. Yes.

15 Q. And what was the quantity that
16 you had?

17 A. I don't remember what it was.

18 Q. Did you mark that down
19 anyplace or tell anyone?

20 A. We --- Mr. Scott put it in a
21 little notepad and we took it up.

22 Q. Did you enter that in a book
23 or, you know, enter it anywhere or
24 was that just a ---?

25 A. I didn't. I didn't.

82

01 Q. And the quality reading, the
02 CO level, you said it was --- what
03 did you say, 47 ---?

04 A. Forty-seven (47) --- I believe
05 it was 47 parts per million.
06 Q. Do you have any idea
07 approximately what time that might
08 have been?
09 A. No, sir.
10 Q. Okay.
11 A. I'm not going to be able to
12 help you on times.
13 Q. Okay. I understand. That's
14 fine.
15 A. I just didn't look.
16 Q. You're doing great. I
17 appreciate all the information you're
18 giving us. That's no problem. Did
19 you take any readings in any other of
20 the mine openings at all?
21 A. No, not at that time. No,
22 sir.
23 Q. And did you --- after taking
24 those readings, did you --- you went
25 directly up ---

83

01 A. Yes, sir.
02 Q. --- to the mine office? And
03 you gave those to who again?
04 A. Mr. Scott, I would assume he
05 gave them to --- he had wrote it down
06 in his notebook, and I would assume
07 he gave it to Mr. Crumrine, but ---.
08 Q. You didn't provide those
09 readings. Scott provided those

10 readings?

11 A. He --- yes. I had the
12 detector, and I took the CO, but he
13 took the air reading.

14 Q. Did you detect any methane?

15 A. I don't recall. But evidently
16 it was nothing to be alarmed about or
17 anything because ---.

18 Q. How about oxygen?

19 A. The oxygen was pretty well
20 normal.

21 Q. Now, was there any --- I'm
22 sorry.

23 A. I don't recall what the oxygen
24 and the methane were, but if they
25 would have been abnormal, I'm sure I

84

01 would have remembered.

02 Q. At that time, was there any
03 smoke or anything ---

04 A. No, sir.

05 Q. --- abnormal about the return
06 air at that time?

07 A. Not at that time. There was a
08 period of time before we noticed any
09 smoking coming out the return.

10 Q. After you went up, then you
11 took your readings up to the shanty
12 up there. And what did you do next?
13 Were you assigned any other duties or
14 anything like that?

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15 A. No, sir. We just --- more or
16 less just waited.
17 Q. Have you ever been assigned
18 examinations of the certified person
19 --- well, yes, you have. You
20 answered that question already.
21 You were talking about making
22 examinations. You traveled the
23 intakes you said?
24 A. Yeah. The last couple months
25 I've mainly been doing the intakes.

85

01 I did the returns one time. Mr.
02 Grall took a week's vacation sometime
03 --- I don't know when it was, a month
04 or so ago, and I walked the returns
05 at that time, but that's the only
06 time I've walked the returns in the
07 last couple months.
08 Q. Okay.
09 A. But I'd do the intakes weekly.
10 Q. From the surface ---?
11 A. Yeah. Normally, what --- the
12 way we do it, Mr. Grall walks in the
13 return. He goes up around the One
14 Left section and gets the One Left
15 return and intake. I walk in the
16 intake, clear up around Two Left, and
17 come down the Two Left return, down
18 to One Left. So I get the main
19 intake, clear to Two Left, to Two
20 Left return, and down to the main

21 return, and the main return to Two
22 Left and One Left. That's our normal
23 routine now.

24 MR. SWENTOSKY:

25 Mr. Mills, do you have

86

01 any questions at this time?

02 BY MR. MILLS:

03 Q. John, just to clarify a couple
04 things. Are you a certified
05 electrician with the State of West
06 Virginia?

07 A. No, sir.

08 Q. Just a mine foreman?

09 A. Just a mine foreman.

10 Q. You mentioned your son was at
11 Four Head?

12 A. Four Head, yes, sir.

13 Q. Do you know his route of
14 travel out of the mines?

15 A. Yes, sir. He walked the ---
16 he got into the intake right at Four
17 Head and walked the intake clear to
18 the outside.

19 Q. To the outside. He didn't get
20 on a Jeep?

21 A. No, sir. He walked the intake
22 all the way.

23 Q. Denny asked you if you carried
24 a methane detector, and I think you
25 said no.

01 A. I did not have one.

02 Q. Did you have a detector for CO

03 or oxygen?

04 A. No, sir. I had no detector.

05 Q. You mentioned somebody may

06 have been taken by ambulance from the

07 One Left crew. Who was that?

08 A. I think Denver Anderson was.

09 Q. Is he one of the gentlemen

10 that you mentioned, the two that were

11 having problems breathing?

12 A. Yes. We had two that were,

13 Denver Anderson and Hoy Keith.

14 Q. And Hoy Keith was the other

15 one?

16 A. Yes.

17 Q. Airway examinations, is there

18 a schedule, you go on Monday, you do

19 a certain route, Tuesday ---?

20 A. We do them on Wednesday.

21 Q. All the air courses?

22 A. We do them all on Wednesday.

23 Ron and I, we do all the airways on

24 Wednesday.

25 Q. Let's skip back a little bit.

01 Number Three belt, where you went

02 into the pump, it was on when you

03 went in?

04 A. Yes, sir.

05 Q. Was it off when you came out?

06 A. Yes, sir.

07 Q. Who examines the area that
08 we're going to call the old Two Left
09 seals? Is that part of your exam on
10 Wednesdays?

11 A. I do that. Yes, sir.

12 MR. MILLS:

13 Denny, I would guess
14 you're going to ask more
15 questions on that, so I'll
16 just back off of that until
17 you're done.

18 BY MR. MILLS:

19 Q. When you took the CO reading
20 at the pit mouth, knowing what you
21 thought you knew, that there was an
22 explosion, did that seem unusual that
23 you would only get 47 parts per
24 million, knowing that we had an
25 explosion at the mine?

89

01 A. Well, now that I think about
02 it, it does. But at that time ---
03 you know, I would have thought it
04 would have been higher.

05 Q. And you took the initial
06 reading with a three gas detector,
07 ---

08 A. Yes.

09 Q. --- and you only read 47 parts
10 per million?

11 A. Forty-seven (47) parts per
12 million.
13 Q. No smoke?
14 A. No, sir, there was no smoke.
15 Q. Oxygen and methane were ---?
16 A. Where I would --- I don't
17 remember what they was, but like I
18 said, I assume they were normal or I
19 would have --- you know, I would have
20 remembered it if it was something
21 abnormal.
22 Q. And after that, you didn't go
23 back to take any more air readings?
24 A. Yes, sir, I did, one time
25 later on.

90

01 Q. Do you remember what those
02 readings were and about how long
03 after the first time?
04 A. It was probably an hour later.
05 And the state inspectors and the
06 federal inspectors had been
07 monitoring the -- return airway.
08 They were taking --- again, Mr.
09 Crumrine asked me to go down and get
10 a reading, and I went down and ---
11 into the return. I didn't go into
12 the return this time because I didn't
13 know what the CO was. I knew it was
14 higher because there was smoke coming
15 out. You could see smoke. And I
16 held the detector up, and the

17 detector pegged on CO. It would only
18 read 1,000 parts per million. It
19 read over read, so I just immediately
20 jerked it out and left.

21 Q. And this was about an hour
22 after your first reading?

23 A. That's just a guess, but I'm
24 going to say an hour.

25 Q. And this time you didn't go in

91

01 50 feet, you read it at the canopy?

02 A. No, sir. I read it right at
03 the canopy.

04 Q. Same detector you had the
05 first time?

06 A. I'm not sure. Same type, but
07 I'm not sure if it was the same one.

08 Q. Any methane this time?

09 A. I don't recall. The CO
10 alarmed me because I didn't know what
11 it was running, and I just
12 immediately pulled it out and left.

13 Q. Any ballpark time of the day
14 that this was?

15 A. No. I'm sorry, no. Times, I
16 just --- I never did look at the
17 time.

18 MR. MILLS:

19 Okay. That's all for
20 now.

21 MR. GATES:

22 Do you want to take a
23 short break?

24 SHORT BREAK TAKEN

25 MR. GATES:

92

01 Mr. Mills, do you want
02 to ask a couple more
03 questions?

04 BY MR. MILLS:

05 Q. John, just a couple more to
06 clarify something. You mentioned you
07 were in the --- you took the calls
08 from Terry Helms?

09 A. Yes.

10 Q. That was his pre-shift report
11 ---

12 A. Yes, sir.

13 Q. --- to allow dayshift to go
14 in?

15 A. Yes.

16 Q. Do you know where Terry was
17 located then?

18 A. No. I --- no, sir, I don't
19 know where he was.

20 Q. Was it over the mine phone?

21 A. Yes. He called it on the mine
22 phone.

23 Q. And you entered that in the
24 books? Did you enter his call?

25 A. Yes.

93

01 Q. Do you normally carry a
Page 76

02 detector with you?

03 A. Yes, I do.

04 Q. And is there any reason ---?

05 A. I just forgot.

06 MR. MILLS:

07 That's all.

08 BY ATTORNEY MOORE:

09 Q. John, before we move on to
10 some other things, I just want to get
11 a couple things clarified, if I may.
12 The trolley phone on the trip that
13 you took to the outside, I believe
14 you mentioned you stopped at 25 block
15 to use a phone. Why didn't you use
16 the trolley phone?

17 A. Mr. Wilfong used a phone. I
18 would assume, why, he used the mine
19 phone rather than the trolley phone.
20 The mine system --- the mine phone
21 system is a lot clearer and works
22 better. It's just like talking on a
23 regular telephone. But the trolley
24 phone is jumbled and it's hard to
25 understand. It's not near as clear

94

01 as the mine phone system.

02 Q. Was it working? Do you know
03 if it was working that day?

04 A. Yeah, it was working because
05 when we left to go inside, I think I
06 remember Mr. Jones calling on that

07 phone to get us clearance to go
08 inside. I think we had a number six
09 mantrip, I believe. I'm not
10 positive. But it was working.
11 Q. So somebody did use it ---
12 A. Yeah, ---
13 Q. --- that day?
14 A. --- if I recall.
15 Q. And of course, that was used
16 after the explosion?
17 A. I don't recall using it after
18 the explosion. That was when we
19 started into the mine. That was
20 before.
21 Q. When was Mr. Wilfong on the
22 phone, using that phone?
23 A. The mine phone?
24 Q. No, the trolley phone. I'm
25 sorry.

95

01 A. I don't know. He talked to
02 --- when we were going up the track,
03 I remember now --- I remember Dick
04 talking on the phone.
05 Q. This is the initial entrance
06 to the mine?
07 A. The initial entrance, yes.
08 Q. Okay. And he was using that
09 phone?
10 A. He was using the trolley
11 phone, yes.
12 Q. And just to clarify, did

13 anybody use the trolley phone on that
14 mantrip after the event?

15 A. After the explosion?

16 Q. Yes. Sorry.

17 A. Whether --- I remember Dick
18 trying to use the trolley phone when
19 I was talking to the superintendent
20 going in by and when they picked me up
21 --- whether he communicated or not,
22 you'd have to ask him. But I do
23 remember him trying to use the
24 trolley.

25 Q. But you don't know whether he

96

01 got anybody?

02 A. I don't know, no. I'm not
03 going to tell you something I don't
04 know exactly.

05 Q. Well, yes. And I appreciate
06 --- I mean, it's difficult, and I
07 understand that. I appreciate
08 everything you can tell us. I really
09 do. We really appreciate that.

10 Q. Did you, at any time, notice
11 any damage of ventilation controls?
12 I know I had asked you that earlier,
13 but from ---?

14 A. No, sir, I never --- even when
15 we went up to 27 block, where we
16 picked the men up coming out of the
17 intake, I never noticed any damage of

18 ventilation controls.

19 Q. On your exit to the mine or
20 while you were walking down the track
21 or along the track, did you ever
22 notice any man doors that might have
23 been open at all, either side?

24 A. No, I never noticed any.
25 There may have been some, but I never

97

01 noticed any.

02 Q. Were there any high places?
03 And by that I mean maybe where you
04 had roof falls previously or anything
05 along the belt entry or track entry.

06 A. Yes, sir. There were a few.

07 Q. A few. How do you --- well,
08 how high were they? Let's say from
09 the roof line up, what would the fall
10 have been?

11 A. Probably --- I'm going to
12 guess approximately --- the fall, as
13 I can recall, we had on the track was
14 probably seven foot.

15 Q. Seven feet?

16 A. Right.

17 Q. And those were from roof
18 falls?

19 A. Yes.

20 Q. How was methane examinations
21 made in those roof falls or in those
22 high areas?

23 A. I couldn't tell you. I don't

24 --- like I say, it's been a good
25 while before I handled --- since I've

98

01 examined a track and belt. The falls
02 we've had on the track, I think
03 they've been since I did the
04 examinations. How I would have
05 examined them, I don't know.

06 Q. In your travels of the
07 examination, did you ever --- in the
08 intake entry that you traveled, were
09 there any high areas in there?

10 A. Yes, sir. There are some
11 areas that are pretty high, that I
12 couldn't reach to --- there was no
13 way I could reach to make a legal
14 methane check.

15 Q. Okay. Do you stop at all and
16 make examinations at those areas?

17 A. Truthfully, I do not.

18 Q. Has there ever been any hose
19 hung down to assist in methane checks
20 or are there any probes there,
21 anything like that?

22 A. None that I know of.

23 Q. Did anybody ever tell you that
24 you should make examinations there?

25 A. No, sir.

99

01 Q. I wonder if we could --- could
02 you go over to the map, which would

03 be Exhibit Number One, and can you
04 show me --- or mark with a black
05 marker on there where the pumps are
06 located? Can we do that, please, to
07 the best of your ability?
08 A. To the best of my ability.
09 Q. From what you can remember. I
10 know it's difficult, and we just
11 appreciate you being able to show us
12 that. I know we already have one
13 marked.
14 A. There's a pump right here.
15 Q. I believe that's ---.
16 A. It's the 21 block.
17 Q. I know. We're going to find
18 out where it's at first. Okay.
19 There's a pump at 21 block, along
20 Number One belt and a crosscut
21 between Number Two and Number Three
22 entry.
23 A. Okay. There's a pump over
24 here in the intake.
25 Q. Could you just draw a line

100

01 there?
02 WITNESS COMPLIES
03 OFF RECORD DISCUSSION
04 BY ATTORNEY MOORE:
05 Q. Okay. John, while we were off
06 the record, you identified some pumps
07 on the Exhibit One. And I'll
08 describe those, and if you would

09 indicate whether I've made the proper
10 description of the location of those
11 pumps, and then we'll move on to
12 Exhibit Two. Okay?

13 A. Okay.

14 Q. The first pump that we have
15 and that you have located is in the
16 Number One block, and that is in the
17 track entry; is that correct?

18 A. Yes, sir.

19 Q. That's a 110 pump?

20 A. Yes.

21 Q. The second pump, 110 pump, is
22 located at the 11 block in the track
23 entry?

24 A. Yes, sir.

25 Q. We also have a pump at 12

101

01 block, and that pump is located in a
02 cut-through into Number Nine entry of
03 the One Northeast mains; is that
04 correct?

05 A. Yes, sir.

06 Q. You also have a pump at 21
07 block, between Number Two and Three
08 entry?

09 A. Yes.

10 Q. We also have a pump at Number
11 Three block, along two more mains
12 between the track entry and the belt
13 entry?

14 A. Yes.
15 Q. Also have a pump at 21 block,
16 between Number One and Number Two
17 entry, along the Two North mains?
18 A. That pump is at 22 block.
19 Q. Excuse me, 22 block. There is
20 a pump which we --- and that's the
21 pump we previously located. Could
22 you just put an X over that pump?

23 WITNESS COMPLIES

24 BY ATTORNEY MOORE:

25 Q. Okay. Thank you. You have

102

01 the pump located at 29 block, between
02 the Number Three and Number Four
03 entry. That's between the belt and
04 the track?

05 A. Yes, sir.

06 Q. You have a pump at 37 block in
07 the Number Seven entry. That's the
08 primary escapeway; am I correct?

09 A. Yes, sir.

10 Q. A pump at 38 block, between
11 the belt entry and the track entry?

12 A. Yes.

13 Q. There's a pump at 17 block,
14 between Number One and Number Two
15 entry that's in the return?

16 A. Yes.

17 Q. And we're still along the Two
18 North main. We have a pump located
19 at --- between Number 21 and 22 block

20 in the intake, and that entry is the
21 second entry from the right?

22 A. Yes.

23 Q. A pump located in the Number
24 Two entry, at the 25 block?

25 A. Yes.

103

01 Q. A pump located at 36 block,
02 between Number One and Number Two
03 entry?

04 A. Yes.

05 Q. All right. We'll move over to
06 Exhibit Two.

07 (Exhibit Two marked for
08 identification.)

09 BY ATTORNEY MOORE:

10 Q. And here we show a --- still
11 along Two Northeast mains?

12 A. Yeah, along the mains until we
13 get out.

14 Q. Pump located at 47 block,
15 between the track entry and the belt
16 entry?

17 A. Yes.

18 Q. Also one located at 48 block,
19 on the right side of the track entry?

20 A. Yes.

21 Q. And the crosscut?

22 A. It's really at the edge of the
23 crosscut, on the track.

24 Q. We have a pump located at ---

25 approximate location, at seven block,

104

01 between the --- to the right, in a
02 crosscut to the right of the track
03 entry?

04 A. Yes.

05 Q. Excuse me. That was --- the
06 last pump was on Two Left?

07 A. Two Left.

08 Q. We'll move over to One Left.

09 A pump located at a Number Two entry
10 between 12 and 13 block. A pump
11 located at 19 block in Number One
12 entry. A pump located at Number 22
13 block, between the belt and the track
14 entry, that's in the crosscut?

15 A. Yes. And they did --- I
16 wasn't in on this pump, but they had
17 set a pump up here. They were
18 getting a little water before the
19 holidays. They had a pump up here
20 somewhere that they set in the face
21 area --- close to the face area.

22 Q. That's in the One Left ---?

23 A. Just if we're talking --- put
24 a pump there before.

25 Q. When you say in the face, do

105

01 you mean like up in the working
02 faces, are you talking about?

03 A. I think it was in this area
04 right around here. Of course, nobody

05 has been up there.
06 Q. And you were pointing to the
07 loading point area?
08 A. Yeah.
09 Q. And that's in One Left; right?
10 A. In One Left, yeah. We heard
11 some of the guys talking we had some
12 water coming in, and we know it would
13 be down for a few days, so they set a
14 pump up.
15 Q. Okay. When you arrived on the
16 surface, has that equipment --- or
17 the equipment, the instruments that
18 you had said for someone to bring in,
19 were there people taking those
20 instruments underground, or do you
21 recall who took those instruments
22 underground?
23 A. The detectors?
24 Q. Yes, sir.
25 A. I don't know that they took

106

01 any underground. I know Mr. Wilfong
02 and Mr. Hofer went back in the mine.
03 But whether they took any instruments
04 with them, I don't know.
05 Q. Are you familiar with the old
06 Two Left seals?
07 A. Yes, sir.
08 Q. You know what I'm talking
09 about whenever I say ---

10 A. Yes, sir.
11 Q. --- old Two Left seals? Okay.
12 Do you know when they were built?
13 A. They had been completed --- I
14 don't know exactly when they were
15 completed. When they discontinued
16 mining in what we call the mains,
17 they ventilated that area for a
18 period of time when they were
19 constructing the seals. And we had
20 an evaluation point at the top end
21 that I had to travel to to examine
22 that area. And they were probably
23 --- I don't know how long it took
24 them to build the seals, but they'd
25 probably been completed about a month

107

01 before.
02 Q. You said that you had an
03 evaluation point up there that you
04 had to travel to; is that correct?
05 A. Uh-huh (yes).
06 Q. Did you ever detect any
07 methane up there?
08 A. No, sir. I never got any
09 methane.
10 Q. One-tenth, two-tenths?
11 A. I don't recall getting any. I
12 may have. But I know it was nothing
13 large, because I don't recall getting
14 any methane.
15 Q. And that was after the second

16 mining that was done?

17 A. That was after the second
18 mining they --- of course, they mined
19 the bottom and then they come out.

20 And that was after the second mining
21 and during the second mining. They
22 were still doing some of the second
23 mining.

24 Q. Did you ever find any low
25 oxygen or ---

108

01 A. No, sir.

02 Q. --- anything?

03 A. No, sir.

04 Q. No CO or anything?

05 A. No, sir. But the seals, I'm
06 going to guess, had been completed
07 approximately months before this
08 happened.

09 Q. Do you know who built those
10 seals? Were you involved in building
11 the seals?

12 A. I wasn't involved in building
13 them, but I know the guy we call
14 Skip, James Scott, that's the man up
15 there that build them.

16 Q. And what is his --- I'm sorry.

17 A. He was a contract foreman. He
18 worked for another company. They
19 contracted his services.

20 Q. And what was his name again?

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21 A. James Scott I think is his
22 real name. We call him Skip.
23 Q. Who did he work for?
24 A. Garrett Mine Services, I think
25 is what it is.

109

01 Q. Did he just come in there for
02 the seal construction?
03 A. No, he's been there --- I
04 think he was there when I came in the
05 mines.
06 Q. So he's there continuously?
07 A. Yeah, he's been working there
08 for as long as I've been there, 15
09 months or so. He's been there --- I
10 think he was there when I came in,
11 and he's been there continuously.
12 Q. I see. Did they use any other
13 contractor miners?
14 A. When I first started there,
15 they had some other contractors from
16 the southern part of West Virginia,
17 but I don't --- they weren't there
18 long after I came. But they did have
19 some other contractors.
20 Q. Is he the only contractor
21 miner there now --- well, at the day
22 of the accident and before that?
23 A. Yes.
24 Q. He's the only one?
25 A. Yes, sir. He may have had a

110

01 couple --- he would bring men with
02 him from his company, and I don't
03 know whether the men that were
04 working with him --- I think he had
05 two red hats at the time. I don't
06 know whether they were ICG employees
07 or his company, but he had a crew
08 that built those seals.

09 Q. There's ten seals there in ---
10 are all ten seals there the same type
11 of seal?

12 A. Yes, sir.

13 Q. Well, let me back up before I
14 get into this. There's a seal
15 located just as you enter the pit
16 mouth on the left end side to the
17 return, on the return there, ---

18 A. Yes.

19 Q. --- that seal there.

20 A. Yes.

21 Q. What type of seal is that?

22 A. I --- they have some that it's
23 a solid block seal, I assume, because
24 they have solid blocks laying there,
25 where they built that seal, leftover

111

01 blocks. And they're solid, concrete
02 blocks.

03 Q. Solid concrete blocks?

04 A. Yes.

05 Q. But you're not aware ---?

06 A. It was sealed when I came
07 there. And how they constructed it,
08 I don't know.

09 Q. So that was in there before
10 you arrived or started your
11 employment there?

12 A. Yes, sir.

13 Q. And those were all the same
14 type of seal there, in Two Left old
15 main?

16 A. Yes.

17 Q. And what type are they?

18 A. They were constructed of Omega
19 blocks.

20 Q. Okay.

21 A. What we call Omega blocks.

22 Q. Are you at all familiar with
23 the construction of those? By that I
24 mean --- I know you said you didn't
25 build them.

112

01 A. No, I didn't do it. But I saw
02 them as they were laying them up and
03 I'd walk through there. I could see
04 they were laying the Omega blocks
05 flat. The rest of the Omega blocks,
06 probably two foot by three foot by
07 approximately eight inches thick.
08 They were laying them the flat way
09 and they were putting a sealant
10 between the rows.

11 Q. Okay. Did anybody ever ---

12 did you ever hear anybody instructing
13 those persons that were laying the
14 seals on how to lay those seals or
15 construct them?

16 A. I didn't personally hear
17 anyone.

18 Q. You said that you would walk
19 by during your examination --- I'm
20 correct in saying that?

21 A. Yes.

22 Q. Tell me what you observed them
23 doing. You know, did you stop and
24 talk to them at all or anything like
25 that maybe?

113

01 A. Yeah. I would stop and talk
02 to them once in a while. I don't
03 really recall, you know. I know,
04 like I said, they were laying the
05 Omega blocks down flat, with the
06 eight-inch side looking at you and
07 the three-foot side going with the
08 seal, and they made it two-foot
09 thick.

10 Q. What type of mortar were they
11 using? Did it come in bags, buckets,
12 or do you recall?

13 A. I don't really recall. I saw
14 some old buckets there where they
15 were using probably some material out
16 of a bucket, and I saw bags, too.

17 But what it was, I really never paid
18 any attention.

19 Q. What color were the bags, do
20 you happen to recall? I know I'm
21 asking you these things, and I mean
22 you probably didn't think it was
23 important at that time.

24 A. I'm just guessing. I'm
25 thinking they were a whitish color.

114

01 Q. A whitish color?

02 A. But that's just a guess.

03 Q. Whenever they were --- as you
04 were observing them and talking, did
05 you happen to notice, when they were
06 laying them up, how were they
07 applying the mortar material?

08 A. No, sir. I don't recall.

09 Q. How about, do you recall
10 whether the blocks were wet maybe or
11 maybe they were doing something to
12 wet them or anything like that?

13 A. No, sir. I don't recall that
14 either.

15 Q. Just shooting the breeze?

16 A. Yeah. Just stopping to take a
17 break. They usually stopped --- when
18 I stopped, they stopped, too.

19 Q. Right. I appreciate that. Do
20 you recall --- while you were
21 shooting the breeze, do you recall
22 whether or not there was the steel

23 matting or a screen that they used in
24 a roof? Was there a screen at any of
25 those or anything like that?

115

01 A. I know there are screened
02 entries going into that area.

03 Q. Okay.

04 A. You know, we weren't planning
05 on stopping when we drove up there.

06 Q. Sure.

07 A. They screened the belt, the
08 track, the intake and --- but I tried
09 to --- I know what you're getting at,
10 and I tried to think of that, too,
11 how far back did they cut the screen
12 when they built the seals, but I
13 don't remember.

14 Q. But the screen was cut?

15 A. I know some of it. I saw some
16 of it was cut. Now, whether they
17 were all cut, I can't say.

18 Q. Okay.

19 A. But I did see some of the
20 screen cut out.

21 Q. Since you came to this mine,
22 was this the only seals that were
23 installed during your --- after you
24 came to the mine?

25 A. Yes.

116

01 Q. Have you ever been involved in

02 building Omega seals at other mines
03 at all?

04 A. No, sir, the first ones I've
05 ever seen.

06 Q. After these seals were
07 installed, did you make any
08 examinations, weekly examinations,
09 ---

10 A. Yes, sir.

11 Q. --- whatever examinations of
12 these seals?

13 A. Yes, sir.

14 Q. Did you ever find any methane
15 in those areas?

16 A. The Wednesday before we had
17 the explosion, I found a little bit
18 of methane at the seals. In the
19 previous examinations, I hadn't found
20 any.

21 Q. When you examined these seals,
22 did you go up to them or back from or
23 --- why don't you just explain to me
24 a little bit on how you would examine
25 those seals?

117

01 A. I would take my detector and
02 put it up and go clear around the
03 seal.

04 Q. How close would you go?

05 A. Eight, ten, whatever, you
06 know. Eight, ten inches probably
07 from the roof of the seal.

08 Q. And you would do that to all
09 the seals?
10 A. Yes, sir.
11 Q. And prior to the Wednesday
12 before the accident, that's the only
13 time that you detected methane at
14 those seals?
15 A. Yes, sir, that is the first
16 time.
17 Q. How much methane did you
18 detect?
19 A. I had two-tenths.
20 Q. Two-tenths?
21 A. Yes, sir.
22 Q. At any time --- you know what
23 I mean by breathing?
24 A. Uh-huh (yes).
25 Q. At any time you examined those

118

01 seals, could you hear like air
02 hissing at any time or anything?
03 A. No, sir.
04 Q. At any time were you able to
05 determine whether or not the air was
06 coming out or the air was going in at
07 any time ---
08 A. No.
09 Q. --- during the examination?
10 A. No.
11 Q. When you say two-tenths, now
12 was that at all the seals or which

13 ---?

14 A. All the air in that area had
15 two-tenths of methane.

16 Q. How far away from the seal
17 were you still detecting two ---?

18 A. I walked --- of course, when I
19 walked the airways, I walk --- that
20 air is ventilated with intake air.

21 Q. Yes.

22 A. And it's dropped overcast,
23 directly into the mine return. I
24 walked clear down and across the
25 overcast, it drops it into the main

119

01 return, and I had two-tenths. So the
02 whole area had two-tenths of methane.

03 Q. That was from the seal clear
04 out into the entry?

05 A. Clear out to where it dropped
06 into the main return.

07 Q. That whole --- up through
08 there, the whole area?

09 A. Yes.

10 Q. Whenever --- after you crossed
11 the overcast, that's the overcast
12 that carries the air across Two Left?

13 A. Right.

14 Q. And then when you met the
15 return coming out of Two Left, how
16 much methane did you have there or
17 ---?

18 A. Well, at that time I turned

19 and went back and walked the intake
20 on up around the Two Left section.

21 But I got no methane in the Two Left
22 return or the main return.

23 Q. So then actually then the ---
24 it dissipated or --- after it came
25 across the overcast, it mixed with

120

01 the other air, and then you weren't
02 finding any methane.

03 A. And I also cracked the sample
04 tube that was located in one of the
05 seals just --- because it was the
06 first time I had gotten any methane
07 at those seals.

08 Q. Okay.

09 A. But it didn't alarm me.
10 Two-tenths of methane didn't alarm
11 me, but I did crack the sample tube
12 and held my detector up, and I had
13 1.2 on the sample tube.

14 Q. Okay.

15 A. I didn't record that, I don't
16 think.

17 Q. Pardon me?

18 A. I didn't record that in the
19 book because I only record what I had
20 on the outside of the seals. I did
21 have 1.2 at the sample tube.

22 Q. Okay. The two-tenths, did you
23 record that in a weekly examination?

24 A. You know, I don't know. I
25 hope I did, and I assume I did, but I

121

01 don't remember.

02 Q. Did you tell anyone on the
03 surface or after that, whenever, ---

04 A. Yes.

05 Q. --- that your examination,
06 what you're telling me here, was 1.2
07 percent coming out of a sample tube?

08 A. Yes.

09 Q. And also --- who did you
10 report that to?

11 A. Carl Crumrine, the mine
12 foreman.

13 Q. What did he say or, if you
14 could --- what was the content of
15 that conversation, please?

16 A. I stopped --- I didn't fill my
17 books out until I come out of the
18 mine. When I stopped --- going back
19 to take a shower, I stopped at Carl's
20 office and I said, Carl, I got a
21 little bit of methane at the Two Left
22 seal. And I told him that there's
23 nothing to be alarmed about, but I
24 just want you to know. And he made
25 the comment, I was just up there. He

122

01 had been there with --- I think that
02 it was a federal inspector, just a
03 day or two before that. And he said,

04 well, I didn't get anything, and we
05 were just up there. And I said,
06 well, I haven't been getting anything
07 either, but it's there now. And I
08 told him I just wanted him to be
09 aware of it. And he just said, well,
10 thank you, and ---. So I did inform
11 Mr. Crumrine that we had a little bit
12 of methane at the seals.

13 Q. Do you know if he shared that
14 with anybody else or anything like
15 that?

16 A. No. I have no way of knowing
17 that.

18 Q. One of the questions about the
19 seal --- when the blocks were laying
20 around --- you saw blocks laying
21 there to construct the seals with?

22 A. Yes.

23 Q. Were they all --- do you
24 recall whether they were all new
25 blocks or maybe some had been --- had

123

01 been used somewhere else or anything?

02 A. I think they were all new
03 blocks because they hauled a bunch of
04 blocks down there. And they were all
05 on pallets, the ones that I saw.

06 Q. The sample tube that you
07 opened up and found the methane, what
08 seal was that located in?

09 A. It's on one of the right-hand
10 side seals. I don't remember exactly
11 which one it was. But after I went
12 across all the seals and kept finding
13 two-tenths, I walked back over to
14 that sample tube just out of my own
15 curiosity.

16 Q. So you didn't open it up the
17 first time?

18 A. No, I didn't.

19 Q. Okay.

20 A. It was surprising me that I
21 found a little bit of methane. When
22 I got over there, out of my curiosity
23 I walked back to it to see what was
24 coming out of it.

25 Q. How far from the roof was that

124

01 tube located?

02 A. The tube is up pretty high on
03 the seal, but I don't know exactly
04 how high it was.

05 Q. Did you have to reach up to,
06 you know, examine --- did you have to
07 put your methane detector up or do
08 you remember whether it was like eye
09 height?

10 A. It was probably about eye
11 level, I would say.

12 Q. About eye level? Do you
13 recall how that's constructed there?

14 A. It was just a small ---

15 probably a half-inch pipe with a
16 shut-off valve on it. It wasn't a
17 gate valve, it was one of those that
18 just has a handle that you ---?
19 Q. Like a ball valve type thing?
20 A. Yeah, a ball valve.
21 Q. Was that small tube running
22 through a larger tube; do you recall?
23 A. I don't recall.
24 Q. Whenever you opened that
25 valve, how far away did you hold your

125

01 methane detector?
02 A. I held it right against it.
03 Q. Right against it?
04 A. Yes, sir.
05 Q. What type of detector was it?
06 A. It was a three gas detector.
07 I don't know the brand of them.
08 Q. What color is it?
09 A. Silver.
10 Q. Silver?
11 A. Yeah.
12 Q. Okay. And again, that was the
13 first time you had ever detected
14 anything?
15 A. The first time.
16 Q. Of course, they weren't that
17 old. How many examinations would you
18 have made of those seals during ---
19 since they had been constructed?

20 A. Probably four or five. It
21 wasn't --- they hadn't been completed
22 about a month or so.
23 Q. What seal was the water
24 trapped in?
25 A. It was in the Number One seal,

126

01 the far left seal.
02 Q. Was there any water in it?
03 A. No, sir.
04 Q. There was no water in the ---?
05 A. Oh, they probably --- there
06 was no water coming out at the track.
07 Q. Okay.
08 A. They probably had water.
09 Q. Did you look at that track?
10 A. I never checked it to see if
11 they filled it with water or not, no,
12 sir.
13 Q. On the top of --- how is that
14 track constructed; do you recall?
15 A. It was of white plastic pipe,
16 probably four-inch or six-inch, I
17 forget, and then it just came
18 straight through the thing, and then
19 it had the U --- the track part on
20 it.
21 Q. Was there a cap on top of
22 that; do you recall?
23 A. No, I don't think there was a
24 cap.
25 Q. Does it have a valve on it?

01 A. No.
02 Q. But you don't know whether it
03 had water in it?
04 A. No, I can't say.
05 Q. And you found two-tenths of
06 methane at that one, also?
07 A. Yes, sir.
08 Q. Did you ever have any
09 conversations with Mr. Toler
10 concerning those seals at all?
11 A. No, I did not.
12 Q. Was that the last time that
13 you were at those seals ---
14 A. Yes.
15 Q. --- prior to the explosion?
16 A. Yes.
17 Q. Did you ever hear anybody
18 afterwards --- that was the Wednesday
19 before the accident. Did you ever
20 hear anybody --- any other
21 conversations about those seals at
22 all in any fashion?
23 A. No. Mr. Crumrine told me that
24 --- I talked to him later, and he
25 went back to the seals, and he also

01 found two-tenths. After I told him,
02 he went back and checked them, and I
03 think it was on a Friday. After I
04 had been there on Wednesday, he told

05 me he went back and he found
06 two-tenths of methane at the seals.
07 Q. When did he tell you that?
08 A. Sometime in these last couple
09 of weeks.
10 Q. After the accident, before?
11 A. After.
12 Q. After the accident?
13 A. Yes, sir.
14 Q. You don't recall when?
15 A. No.
16 Q. What other conversation did
17 you have with him about the seals?
18 A. None. Really, no other
19 conversation. Just like I told him,
20 we talked --- you know, we knew that
21 we had two-tenths of methane there,
22 but we had good ventilation dropping
23 straight in the return, and we
24 thought it was no problem.
25 Q. And that was on the Friday

129

01 after the Wednesday that you
02 examined. Did he say anybody was
03 with him or anything like that?
04 A. No, he never said that at the
05 time. No.
06 Q. Okay. A couple other things
07 about those seals. I know we covered
08 them a lot, but --- do you recall
09 seeing any rails going through there,
10 going through the seals or ---?

11 A. No, the rail was broke.
12 Q. Was broke?
13 A. Yeah.
14 Q. How far back was the rail
15 broken? Was it in the entry or was
16 it clear out to the switch or ---?
17 A. The rail was broke, of course,
18 in the Two intake entries that went
19 into Two Left. The rail was broke
20 outby those, so ---.
21 Q. Out by those ---?
22 A. Outby, in the track entry.
23 Q. In the track entry. In other
24 words --- I'm sorry.
25 A. So it was approxi matel y ---

130

01 from those seals, I'm saying it was
02 probably 300 feet to the end of the
03 rail.
04 Q. So they didn't protrude
05 through the stopping that directed
06 the air up through there?
07 A. No, sir. No.
08 Q. Did you notice any other pipes
09 or rails or cables or any other
10 metallic-type material that protruded
11 through those seals at all anyplace?
12 A. No.
13 Q. Did you have pumps back in
14 there at any time? That's in the old
15 Two Left.

16 A. We had pumps in the old Two
17 Left, yes, sir.

18 Q. Did you have cables or
19 anything that ran up through, let's
20 say the Right and Left entries or
21 anyplace ---?

22 A. I'm sure we did have pump
23 cables up in there at one time.

24 Q. Do you know when mining was
25 stopped up in that area?

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01 A. No. I'd just be guessing. I
02 don't remember.

03 Q. Do you know why the mining was
04 stopped up there?

05 A. Adverse conditions.

06 Q. Adverse conditions. What do
07 you mean by adverse conditions?

08 A. They were getting a lot of
09 water. Some top wasn't real good,
10 but there was a lot of water coming
11 in.

12 Q. Was that pretty much
13 continuous as you went up through
14 there or did you just encounter it
15 just --- you know, just before you
16 pulled out or ---?

17 A. They tried to go through it
18 for a good ways.

19 Q. Was there water coming out of
20 the roof or the bottom or ---?

21 A. It was coming mostly out of
Page 108

22 --- up in the far --- where they
23 drove up and turned left, the water
24 was coming out of the top, mostly up
25 in that area.

132

01 Q. When you say they drove up and
02 turned left, do you mean the ---
03 you're talking about the northeast
04 mains drove up and then they drove
05 off that angle to the left?

06 A. Yeah, they drove the angle to
07 the left.

08 Q. And that's about where it
09 started coming out of the roof you
10 said?

11 A. Yeah, it was the worst. It
12 seemed like it was the worst right up
13 in that area.

14 Q. Was there ever any second
15 mining done up in there?

16 A. They mined the bottom seam.
17 They graded down and pulled the ---
18 there's a seam, it's probably
19 anywhere from two to four, five feet
20 underneath the seam of the mine, and
21 they pulled it as they come out of
22 there.

23 Q. And I know you said you were
24 the examiner and that, but did you
25 ever go up on the sections or be up

133

01 on a section whenever they were
02 mining?
03 A. Yeah. But normally, the only
04 time I went to the section is when
05 --- on airway day, when I had to walk
06 across the faces. Other than that, I
07 stayed outby.
08 Q. Did you ever happen to watch
09 them mining up there, when they were
10 mining that bottom or any time?
11 A. Yeah, I saw them mining the
12 bottom.
13 Q. Do you recall anyone speaking
14 about or maybe know any additional
15 methane that they might have
16 encountered ---
17 A. No, sir.
18 Q. --- or happen to hear any
19 conversations to that effect?
20 A. No, sir.
21 Q. In your travels --- I know you
22 examined the back end of those areas
23 and so on. Do you recall then seeing
24 any equipment that might have been
25 left up there whenever they ---

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01 because I know --- you said that they
02 pulled out of there and it sat there
03 for a while before they put the seals
04 in; is that correct?
05 A. Yeah. They started working on
06 the seals, but it was a period of

07 time before they got them up.
08 Q. And that's the period of time
09 that you had to walk up around and
10 examine that evaluation point up
11 there?
12 A. Uh-huh (yes).
13 Q. During your travels, did you
14 ever see any old equipment or ---
15 when I say old equipment, I mean
16 maybe it was even new, but any
17 equipment that they may have left up
18 there, such as maybe batteries or
19 shuttle cars or anything like that?
20 A. No, sir. I never saw anything
21 like that.
22 Q. Did you ever notice any like
23 cables laying around on the bottom
24 that was left back in there?
25 A. I don't recall any. No, sir.

135

01 Q. Did you ever hear anybody talk
02 about any additional methane problems
03 --- I don't want to say problems, but
04 any additional methane liberation in
05 that area up there?
06 A. No, I don't recall that
07 either.
08 Q. Did you ever examine the faces
09 or anything up there while they were
10 up there?
11 A. I don't recall ever doing any

12 --- ever fire bossing in that area.
13 I don't recall, no.
14 Q. Were you up there whenever
15 they were mining around that gas
16 well? Or do you know that there's a
17 gas well ---
18 A. Yes, sir.
19 Q. --- up in that area?
20 A. Yes, sir.
21 Q. Were you ever up there around
22 when they were mining that area,
23 around that gas well?
24 A. I can't say for sure. I
25 probably was because I would walk

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01 through there every week, so I'm sure
02 I was around.
03 Q. You didn't hear anybody talk
04 about additional liberation of
05 methane while they were in that area?
06 A. No, I didn't.
07 Q. Okay. Do you recall anybody
08 ever speaking about or do you have
09 knowledge of any charted or uncharted
10 boreholes that may have been cut into
11 in the mine? I mean, it could have
12 been water walls or gas wells or any
13 type of boreholes that were mined
14 into anywhere in the mine?
15 A. I heard a conversation here
16 last week --- I don't even know who I
17 was talking to, but they were telling

18 me about a borehole, which kind of
19 puzzled me, that they called an old
20 miner in to --- that was familiar
21 with the area and said there was a
22 borehole. But it kind of puzzled me.
23 Why would they have a borehole when
24 the coal has never been mined up
25 there? Why would they drill a

137

01 borehole? And then I never really
02 paid any attention to it. That's the
03 only conversation I can recall about
04 it.

05 Q. But prior to the accident ---?

06 A. Prior to the accident, no,
07 sir.

08 Q. The roof conditions up in that
09 area, can you --- I mean, do they
10 have any problems up in there with
11 roof conditions or any history of
12 roof control problems up in that
13 area?

14 A. Probably no different than any
15 other part of the mine up in that
16 area.

17 Q. Did they have any roof falls
18 up there at all?

19 A. Yes, sir. They had --- let me
20 think.

21 Q. Just take your time. We're in
22 no hurry.

23 A. I'm thinking they had one roof
24 fall in that area, but I'd just be
25 guessing if I tried to tell you where

138

01 and when, so ---.

02 Q. During your examination up in
03 that area, maybe that will jog your
04 memory, do you recall making methane
05 examinations in those areas, high
06 areas or anything like that?

07 A. No.

08 Q. Do you recall when your last
09 annual re-training class that you
10 participated in was?

11 A. I recall it's --- I can't
12 remember the date, but it's been I'm
13 thinking maybe around October or
14 something.

15 Q. Okay. Can you cover what was
16 discussed during those training
17 sessions --- or that training session
18 or any other training session?

19 A. Normally what we did cover was
20 the roof control plan, the
21 ventilation plan, how to use your
22 SCSR. And the SCSR re-training, we
23 have that every year.

24 Q. Okay.

25 A. Any changes --- they'll go

139

01 over the roof control plan briefly.

02 And if any changes have occurred
Page 114

03 since your last class, they'll go
04 over those in detail. Any changes in
05 the ventilation plan, they'll go over
06 them in detail. All your escapeways,
07 they go over that.

08 Q. I see. Who conducted that
09 training?

10 A. The last class I had, Mr.
11 Schoonover.

12 Q. Schoonover. That training,
13 was that training given there at the
14 mine or did you go off site to take
15 that training, or do you recall?

16 A. Well, you got me. I didn't
17 take that class. And you're going to
18 catch me anyway, so I'm going to tell
19 you.

20 Q. So you haven't had any
21 training ---?

22 A. Not the last class. I missed
23 it.

24 Q. Oh, okay. Let me ask you
25 this. Did you ever have any

140

01 training?

02 A. Yes.

03 Q. You did?

04 A. Yes, sir.

05 Q. Do you recall when that was?

06 A. It would have been probably a
07 year and a half ago.

08 Q. A year and a half?
09 A. Uh-huh (yes). And Mr. Stemple
10 gave that class.
11 Q. Mr. Stemple gave it to you?
12 A. Yes.
13 Q. What year did you start again,
14 please, at this Sago Mine?
15 A. I think it was in October of
16 2004.
17 Q. October of 2004. Did you have
18 any training at that time?
19 A. Yes. They went over --- there
20 Mr. Schoonover did go over with me
21 several things.
22 Q. Did he say what type of
23 training he was doing, experienced
24 miner training or --- did he identify
25 the type of training that he was
01 providing to you at all?
02 A. Yeah, just --- I don't know
03 what he called it, but he went over
04 the escapeways and ventilation of the
05 mine, various things that he thought
06 I should know before ---.
07 Q. So after your initial training
08 in October of --- around October of
09 2004, okay, then the next training
10 you would have received would have
11 been approximately when?
12 A. It would have been probably
13 around October of 2005.

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14 Q. Did you receive that training?

15 A. No, sir.

16 Q. When you received your initial
17 training, did you sign a form or was
18 there a form or anything signed that
19 you had taken that training?

20 A. I think there was, yes, sir,
21 but I'm not positive, though. I
22 don't remember.

23 Q. So you would have received ---
24 supposed to have received training in
25 2005. Did you sign any training

142

01 form?

02 A. Yes, sir. Yes, sir, I did.

03 Q. But you didn't receive any
04 training?

05 A. No, sir.

06 Q. Who asked you to sign that
07 form?

08 A. I think it was Mr. Schoonover.

09 Q. Can you tell me what the
10 conversation was at that time, at
11 that period of time, what he said to
12 you or anything?

13 A. No, I don't know exactly what
14 the conversation was.

15 Q. Do you remember approximately
16 when that form was signed?

17 A. Approximately --- I'd just be
18 guessing again, but I'm guessing it

19 was three or four months ago.

20 Q. Around October?

21 A. Yeah.

22 Q. Did he just say, sign this
23 form or ---?

24 A. Probably. They just brought
25 it for me and I signed it, but ---.

143

01 Q. Where were you at when you
02 signed it; do you recall that?

03 A. I was at the mine site, but I
04 don't remember where I was.

05 Q. At the mine site. The
06 training that you had --- so have you
07 actually only had one training
08 session since you've been at the
09 mine?

10 A. At that mine.

11 Q. At that mine, okay.

12 A. I believe so.

13 Q. Did they go over --- that
14 initial training session, do they go
15 over the mine emergency evacuation
16 firefighting program of instruction,
17 what I mean, a firefighting plan?

18 A. Normally they do. Like I say,
19 I can't recall whether he did or not,
20 but I know he did give me training.

21 Q. Do you know who the
22 responsible person is on the shift
23 when an emergency occurs, as related
24 to that plan? But what I mean is, do

25 you know who at the mine is the

144

01 responsible person that --- and he
02 would be the one that takes over and
03 directs the escape and the evacuation
04 and directs the emergency activities?

05 A. Do I know specifically who it
06 is? I would assume it's the mine
07 foreman, but I don't know.

08 Q. All right. Are you familiar
09 with where the emergency materials
10 are?

11 A. Yes, sir.

12 Q. Where are they?

13 A. They're located at about 44
14 block on Four track.

15 Q. Forty-four (44) block on ---?

16 A. Somewhere --- right around in
17 that area.

18 Q. What's located there?

19 A. We have boards, curtains,
20 tools, axes and hammers, nails.

21 Q. You've personally seen that
22 material?

23 A. Yes, sir.

24 Q. Are you familiar with the
25 evacuation procedures at the mine at

145

01 all?

02 A. I've read it and ---.

03 Q. When you say read it, where

04 did you get that to read or ---?
05 A. I've seen it. It's posted,
06 but I don't know --- but I have seen
07 the evacuation plan.
08 Q. When you say posted ---?
09 A. I won't say I'm well versed in
10 it, but I've seen it.
11 Q. Okay. And you saw that
12 hanging at the mine, you say?
13 A. Yeah. It's in the
14 dispatcher's office.
15 Q. In the dispatcher's office?
16 A. Yeah.
17 Q. Is that part of a plan at all?
18 Was that on a single sheet of paper
19 or ---?
20 A. It's several sheets of paper.
21 As I recall, it has certain people
22 who to notify and --- but it's
23 several sheets of paper.
24 Q. Has anyone explained to you
25 the procedures that you need to

146

01 follow whenever there's an explosion?
02 A. Yes.
03 Q. Who was that?
04 A. The annual training classes.
05 Mr. Stemple I know did it in his
06 classes.
07 Q. And you're speaking of the
08 initial employment ---
09 A. Yes.

10 Q. --- period of time? Anyone
11 after that?
12 A. Not that I can recall. They
13 may have, but not that I can recall.
14 Q. Do you recall ever --- anyone
15 going over the barricading procedures
16 with you?
17 A. Yes, sir.
18 Q. When was that?
19 A. In the training classes.
20 Q. The training class. What did
21 they tell you about it? Can you
22 explain to me ---?
23 A. The procedure, try to get out.
24 If you can't get out, pick a spot and
25 barricade. Build as substantial a
01 barricade as you can. If you got any
02 oxygen on the section, barricade a
03 big enough area to hold you for
04 several days. Get all the water and
05 food you've got in the area, all
06 that.
07 Q. Let me ask you this. Have you
08 been certified to make methane
09 examinations?
10 A. Yes, sir.
11 Q. And who did that? When was
12 that and who did that?
13 A. We re-tested annually to do
14 that.

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15 Q. Do you recall who did that?
16 Was that done separately from the
17 training class that you should have
18 had?
19 A. No, it would have been in the
20 training classes.
21 Q. In the training classes?
22 A. Yes.
23 Q. So then the last time that you
24 --- so you would have been certified
25 at the --- or let me ask you, when

148

01 was it that you were certified?
02 A. When was I re-certified?
03 Q. Certified or re-certified?
04 A. I was certified in 1973 as a
05 mine foreman. I've been re-certified
06 or re-examined, re-tested I guess you
07 would call it.
08 Q. So then someone comes out and
09 ---
10 A. Yeah.
11 Q. --- tells you how to use your
12 detector and ---?
13 A. Right.
14 Q. But you don't know who that
15 was the last time?
16 A. No.
17 Q. Was the hazards of carbon
18 monoxide ever discussed with you at
19 all?
20 A. Yes, sir.

21 Q. Can you tell me the extent of
22 that, what you were told or anything?

23 A. Well, I can't remember the
24 numbers, but I know it seems like they
25 said if you get into a --- anything

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01 over 100 is damaging to your body.

02 If you get into 400 parts per
03 million, you've got a certain time
04 period that you're going to ---
05 anything 400 parts per million,
06 you're real dangerous.

07 Q. Was that discussed during your
08 training session?

09 A. Yes, I think it was.

10 Q. Did you ever hear anyone ever
11 speak about that afterwards or any
12 other ---?

13 A. No.

14 Q. Were escapeways covered as
15 part of your training that you had
16 initially?

17 A. Yes.

18 Q. Have you ever --- well, let me
19 ask you this. The escapeways,
20 whenever --- has anyone ever come to
21 you and said or explained to you,
22 either yourself or as a group, that
23 escapeways have been changed and this
24 is the new way or anything like that?

25 A. Yeah. Yes.

01 Q. When was that?

02 A. They were doing a lot of work
03 in this escapeway. The mine has a
04 lot of water, soft bottom in a lot of
05 areas. And also they had to go back
06 and screen all the escapeways that
07 wasn't initially screened. And they
08 were doing a lot of work in the
09 escapeway. And whenever they changed
10 it, they even changed the entries in
11 a lot of it. Part of the return was
12 screened and part of that going up
13 the right side of four used to be
14 return, now it's intake. And they
15 moved the walkable escapeway to what
16 was the return because it was a
17 screened intake. And they made
18 several changes going around, soft
19 bottom water, bad top areas, and when
20 they'd make a change they'd tell me.

21 Q. Have you ever participated in
22 escapeway drills?

23 A. Yes, sir.

24 Q. Could you explain that to me a
25 little bit?

01 A. Well, I section bossed for
02 several years, and we would walk the
03 escapeways, so I've never actually
04 been a --- although I'm a salaried
05 employee, I've never been a foreman

06 at this mine, never actually
07 supervised a crew. But when I did
08 supervise crews, we walked --- take
09 part of my crew, two or three men at
10 a time, and we traveled the
11 escapeways and --- I participated in
12 those.

13 Q. Did you ever participate in an
14 escapeway drill at the Sago Mine?

15 A. No, sir. But that shouldn't
16 be --- you know, I walked them every
17 week.

18 Q. Okay. Have you traveled ---
19 in your travels, have you traveled
20 all the escapeways?

21 A. Yes, sir.

22 Q. Secondary and primary?

23 A. Yes.

24 Q. You traveled the section
25 escapeways also?

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01 A. Yes, sir.

02 Q. How were those escapeways
03 marked?

04 A. With green reflectors.

05 Q. And that represents?

06 A. That is the primary escapeway.

07 Q. Primary. And what about the
08 secondary?

09 A. It's marked with red
10 reflectors.

11 Q. How far are those markings,
12 how far apart do they usually put
13 those?

14 A. Usually about a block apart.
15 Anywhere from probably 70 to 100 feet
16 apart.

17 Q. How long does it take to walk
18 from, let's say, to the face of Two
19 Left to the surface?

20 A. Well, probably --- when I walk
21 them, I usually check them. The
22 other day I walked the airways. I
23 check my pumps as I go. As I come to
24 a pump, I'll get out and go to it.
25 Even if it's over in the return, I'll

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01 get out and go over and then come
02 back. So usually when I do that,
03 even checking all the pumps, I leave
04 at six o'clock, I'll be in Two Left
05 by nine o'clock. And that's with
06 checking all the pumps on the way in.
07 I would say if a guy was in a hurry,
08 you could walk that in --- I think I
09 could walk it in an hour.

10 Q. Did you ever participate in
11 any fire drills?

12 A. Yes, sir.

13 Q. Can you kind of describe that
14 to me a little bit?

15 A. Well, the ones --- I haven't
16 participated in one there, but I have

17 ----.

18 Q. When you say there?

19 A. At the Sago Mine.

20 Q. Okay.

21 A. But usually when I --- I was

22 usually the one giving the fire

23 drill. And I would simulate a fire

24 and ----.

25 Q. But you haven't participated

154

01 in any one in the Sago Mine?

02 A. No, sir.

03 Q. Have you ever received any

04 SCSR training?

05 A. Yes, sir.

06 Q. When was the last time you had

07 SCSR training?

08 A. My last retraining, eight-hour

09 underground retraining probably.

10 Q. So since that time, you have

11 not received any retraining of SCSR?

12 A. Not that I recall, no, sir.

13 Q. How about first-aid, was it

14 covered during that ---

15 A. Yes, sir.

16 Q. --- initial training you had?

17 A. Yes, sir.

18 Q. What type of first-aid, can

19 you kind of describe that a little

20 bit to me?

21 A. I was an EMT, and I'll tell

22 you, a lot of times they would let
23 the EMTs, they would do that last and
24 let us go. But I am a certified EMT
25 and I have the retraining every year.

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01 Q. And so your initial training
02 when you were initially employed by
03 the mine, you had the first-aid
04 training?

05 A. Yes.

06 Q. And what did they cover there?
07 What training did they provide?

08 A. I'm not sure what they did.
09 I'd just be guessing.

10 Q. Was a roof control plan
11 covered?

12 A. Yes.

13 Q. Do you recall what areas of
14 the roof control plan might have been
15 covered?

16 A. No, sir.

17 Q. How about the ventilation
18 plan?

19 A. Yes.

20 Q. What about that, do you recall
21 ---?

22 A. No, I can't specifically
23 recall.

24 Q. Whenever a --- you know,
25 sometimes they have addendums or

156

01 changes to the ventilation plans. Do
Page 128

02 you recall any time when there was a
03 change in --- did anybody explain
04 anything to you when there was
05 changes or anything like that?

06 A. I can't specifically recall
07 that, no, sir.

08 Q. The training that you received
09 when you first were employed by Sago,
10 did you feel that training that you
11 received was adequate?

12 A. Yes, sir.

13 Q. Do you think any of it needs
14 to be changed or anything like that,
15 or was there any parts that maybe
16 stuck out in your mind that you
17 thought that, wow, this should be ---
18 we should do this or do that?

19 A. I don't recall anything. But
20 you know, I've been in the mines for
21 40 years, and I'm pretty familiar
22 with all that. And probably the
23 reason they don't, they know that I'm
24 pretty familiar with all these
25 systems, ---

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01 Q. Yes.

02 A. --- and I don't recall ever
03 thinking anything was lax in the
04 training.

05 Q. Okay. Have you ever been
06 searched for smoking articles at Sago

07 Mi ne?

08 A. I can't recall if I have --- I
09 know I've been searched, but I can't
10 ---.

11 Q. Let me ask you this. Have you
12 ever observed anyone else being
13 searched for smoking articles at the
14 mine?

15 A. I can't recall that, no, sir.

16 Q. Whenever you guys get together
17 to go underground, do you congregate
18 up at the trailer and then go down or
19 how do you do that?

20 A. Normally, that's the routine.
21 Of course, people go --- they don't
22 all go in a group. They go in small
23 groups or as individuals. We
24 congregate at the lamphouse, the
25 dispatcher's office, get our lights

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01 usually, and then in small groups go
02 over the hill.

03 Q. And you never observed anyone
04 being searched for smoking articles?

05 A. I can't recall that, no, sir.

06 Q. Have you ever seen anyone
07 smoking underground?

08 A. No, sir, I never have. In 36
09 to 37 years, I've never seen it.

10 Q. Have you ever found any
11 smoking articles underground?

12 A. I have found --- not at this

13 mine, but I have.
14 Q. I was going to ask you at the
15 Sago Mine. What mine was it that
16 found them?
17 A. I know I worked for Bethlehem
18 Mines for several years, and I found
19 some cigarette butts in that mine.
20 Q. How long ago was that?
21 A. That was the mid '70s, early
22 '80s.
23 Q. Since that time?
24 A. No, sir, I have not found
25 anything.

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01 Q. Okay.
02 ATTORNEY MOORE:
03 That's all I have here
04 for the moment. Mr. Mills,
05 ---.
06 MR. MILLS:
07 Do you need a break?
08 A. I'm fine.
09 BY MR. MILLS:
10 Q. Just to clarify a couple
11 things. John, do you know if the
12 trolley phones on the mantrips work
13 if the power in the mines is off?
14 A. No, sir, I don't know whether
15 they do.
16 Q. When the old Two Left mains
17 was being developed in by where the

18 seals were, was it sweep ventilation?

19 If it was, which side was the intake,
20 which side was the retake?

21 A. It was sweep, and the intake
22 right, return left.

23 Q. During the second mining, how
24 was that section ventilated, the same
25 way, intake up the right side and

160

01 return down the left?

02 A. Yes, sir.

03 Q. We started building the seals
04 and you mentioned you had to go to an
05 evaluation point.

06 A. Yes.

07 Q. How was that ventilation into
08 that area?

09 A. They left the return stopping
10 line in, and I had to walk up the
11 return and across to the right-hand
12 corner. And they had stoppings
13 across the face area, too, for stop.
14 They had stoppings up the return and
15 across clear to the left.

16 Q. And the air still went up ---

17 A. And the air still ---.

18 Q. --- the right side and down
19 the left side?

20 A. Yes.

21 Q. After the seals were
22 completed, how were they ventilated,
23 left to right, right to left?

24 A. Right to left.

25 Q. Right to left? So we had

161

01 intake air coming up the right side,

02 going across ten?

03 A. Yes.

04 Q. Then the air left there and

05 went ---

06 A. Through the One.

07 Q. Then from One it went across

08 the overcast?

09 A. Yeah. Yes.

10 Q. That's the only way the seals

11 were ventilated?

12 A. Yes.

13 Q. After they were complete?

14 A. After they were complete.

15 Q. Do you remember taking any

16 quantity readings?

17 A. Yes.

18 Q. And you've checked those seals

19 how many times after completion?

20 A. Probably four or five.

21 Q. Were the quantities --- did

22 they remain consistent?

23 A. Yes.

24 Q. On the day that you found

25 two-tenths methane, was the quantity

162

01 there ---

02 A. Yes, it was.

03 Q. --- consistent with ---?
04 A. I'm thinking it was between
05 5,000 and 6,000 csm. And it was the
06 same that day, too.
07 Q. And there is a separate split
08 for the seals in Two Left section,
09 right, intake?
10 A. Yeah.
11 Q. You mentioned when you went by
12 there at the track you don't know if
13 there was water in it or not.
14 A. I never noticed.
15 Q. Did you notice any pull on
16 that trap or exhaust?
17 A. I never really checked it. I
18 just --- you know, you just assumed
19 they filled it with some kind of
20 liquid.
21 Q. With your experience in the
22 mines checking seals, if there was no
23 water in there, do you think you
24 would have heard ---?
25 A. I think so.

163

01 Q. And I think you answered this
02 already. During the development of
03 the old Two Left, you did those air
04 courses, intake and return?
05 A. Yes.
06 Q. Your intake side, you didn't
07 notice anything around the gas well
08 location?

09 A. No.

10 Q. Ventilation plan changes, you
11 know, you're the guy that examines
12 the air courses. And who lets you
13 know ahead of time that, hey, we're
14 going to put seals in or we're going
15 to change the ventilation to do it a
16 different way or this is the
17 evaluation point you need to start
18 going to?

19 A. The mine foreman. In fact,
20 they would have changed the
21 evaluation point as they were working
22 out of the old seal area, and he'd
23 tell me, you know, we got to get it
24 here, here and here or --- at first,
25 I had to examine the air going in,

164

01 the air coming out on the evaluation
02 point at the top end. Then they kept
03 --- they would change those
04 evaluation points on the outby side
05 of the section as they pulled back.
06 He would inform me of where I had to
07 check.

08 Q. And that was Carl Crumrine?

09 A. It was Carl. And also, Brad
10 Phillips was there at the mine at
11 that time, and he --- I had talked to
12 him, too.

13 Q. If there was a ventilation

14 plan change, the mine foreman would
15 review that with you?

16 A. Yeah. I can't really recall
17 any big specific changes made. But I
18 would know if there was a ventilation
19 change.

20 Q. Were you aware that the seals
21 were going to be built?

22 A. Yes.

23 Q. And you're aware of a proposed
24 seal plan for One Left at the two
25 panels that break off of it?

165

01 A. Yes, sir. I don't have the
02 specifics of the plan, but I'm aware
03 that they were planning on sealing
04 those areas.

05 Q. And the day you checked the
06 seals, the airflow was correct?

07 A. Yes.

08 Q. On Wednesday, it was right to
09 left?

10 A. Yes.

11 MR. MILLS:

12 That's all I have.

13 MR. SWENTOSKY:

14 Just before we take a
15 short break, I just want to
16 ask some follow-up on what Mr.
17 Mills had asked you.

18 BY MR. SWENTOSKY:

19 Q. The evaluation point that you

20 went to on the inby end of the old
21 Two Left, did you ever take a
22 quantity reading up there, air
23 quantity reading?
24 A. I don't recall whether I had
25 to take a quantity or not. But if I

166

01 did, I would have it recorded in the
02 book. But I don't recall whether I
03 took the quantity or not.

04 Q. Can you give me some kind of
05 sense like how much air you had up
06 there, what kind of movement or
07 anything like that?

08 A. It was --- you could feel the
09 air movement, you know. It wasn't
10 just a --- you know, that you
11 couldn't feel. You could feel.

12 Q. Just describe to me a little
13 bit your examination of the Two Left
14 as you traveled up and how far around
15 and so on? Could you describe that
16 just a bit for me, please?

17 A. After they established the
18 evaluation point?

19 Q. Yes. Yes.

20 A. I had to travel up Number One
21 entry, up the return side.

22 Q. Okay.

23 A. And as I said, they had all
24 those stoppings in and then they put

25 a stopping line across the face area.

167

01 Q. Across the top of the old Two

02 Left?

03 A. Clear across the top of it,

04 yes.

05 Q. Okay.

06 A. And I traveled up there, and

07 then I had to come back the same

08 route.

09 Q. Was there one opening on the

10 right side of Two Left? In other

11 words, how far did the stopping line

12 end before ---?

13 A. Before the evaluation point?

14 Q. Yes.

15 A. I think the stopping line went

16 right up to within one block of the

17 evaluation point.

18 Q. And that evaluation point was

19 in which entry?

20 A. Whatever they dropped off. It

21 was back --- some of the faces were

22 in farther than others. And the

23 right-hand corner wasn't in quite as

24 far as I seen at the section. But

25 how many entries --- I had to go

168

01 clear over here across and back down.

02 And it wasn't in as far as the center

03 section, probably a block or two

04 outby.

05 Q. There were some dead-end faces
06 up in that area. Did you ever
07 examine those faces up there at all?

08 A. Let me think. I can't say for
09 sure, but I don't even recall --- I
10 think I can recall one dead-end face,
11 but I --- I probably did, but I ---.

12 Q. Do you recall any methane
13 readings up there in those dead-end
14 ---?

15 A. I don't recall getting any
16 methane in that area.

17 Q. One other question about the
18 seals. Mr. Mills had mentioned ---
19 asked you about the ventilation was
20 always from right to left ---

21 A. Yes.

22 Q. --- and then over the
23 overcast. Was there a period of time
24 that they were ventilated from left
25 to right during the installation?

169

01 A. Yes, sir. Right. Yes, sir.

02 Q. Okay.

03 A. While they were started ---
04 pulled out and started the Two Left
05 section, they ventilated from left to
06 right and brought the air down to
07 what I said was --- used to be a
08 return along Four belt and brought
09 the air down that way.

10 Q. Okay.
11 MR. SWENTOSKY:
12 We'll just take a short
13 break. We'll go off the
14 record.
15 SHORT BREAK TAKEN
16 BY ATTORNEY SWENTOSKY:
17 Q. John, I just have a few
18 clarifying questions for you. When
19 was the last day that you worked
20 prior to January 2nd?
21 A. The Thursday before.
22 Q. The Thursday before?
23 A. Yes.
24 Q. What did you do that day?
25 A. I just pumped.

170

01 Q. Pumped?
02 A. Yeah. I tried to pump
03 everything. I knew --- they have
04 people to pump on the weekends when
05 I'm off, but they'll let certain
06 areas build up with a little bit of
07 water. And I tried to pump
08 everything down as well as I could
09 because I knew I was going to be off
10 for the weekend.
11 Q. And that's the only thing you
12 did that day was pump?
13 A. That's the only thing I did
14 was pump.
15 Q. Getting back to those seals,

16 that's a big subject, were there
17 cribs in front of those seals?

18 A. Yes, sir.

19 Q. Do you know if --- you know,
20 whenever you're walking up through
21 there during your examination and you
22 had conversations while they were
23 building, did you notice whether or
24 not there were cribs behind the seals
25 at all?

171

01 A. I know there were cribs behind
02 --- yes, sir, there were cribs behind
03 the seals. I've walked back in that
04 area before, and there were cribs
05 behind the seals.

06 Q. Behind all the seals?

07 A. I can't say all of them, but I
08 know they did ---.

09 Q. Do you know specifically which
10 ones?

11 A. No, sir, I do not.

12 Q. Can you describe like the rock
13 dusting around that seal area, both
14 sides of the sealed area? Just give
15 me a ---.

16 A. Very good.

17 Q. Very good?

18 A. They rock dusted that area
19 when they were vacuuming the
20 building. It looks very good, very

21 good. Rock dust was heavy.
22 Q. Do you recall seeing any piles
23 of rock dust or anything like that,
24 like bags of rock dust or large,
25 small ---?

172

01 A. Large quantities. No, I don't
02 recall.

03 Q. But the area was rock dusted?

04 A. It was rock dusted.

05 Q. It was white?

06 A. Yes.

07 Q. How far back ---?

08 A. The in --- right in the sealed
09 area, they machine dusted all that
10 when they --- they'd haul their
11 supplies down with a scoop to help
12 them build the seals. They machine
13 dusted all of that area.

14 Q. And we're talking about the
15 inby side of the seal, the Two Left
16 side?

17 A. Well, they didn't dust the
18 inby side as well as the outby. The
19 outby side was well dusted.

20 Q. And we're talking about the
21 fresh air side?

22 A. Yes.

23 Q. And the inby side, was it
24 white or was it black, dark?

25 A. It wasn't black, but it wasn't

173

01 white either. It was --- it had some
02 dust on it, but ---.

03 Q. Like a gray color?

04 A. I wouldn't --- I don't really
05 recall exactly what it was, but I
06 know the outby side was dusted better
07 than the inby side.

08 Q. How deep was it?

09 A. The dust wasn't so deep that
10 you could --- you know, you were
11 walking and it would come up on your
12 boots or anything, but --- the area
13 was all white. I can't ---.

14 Q. Did it puff up whenever you
15 walked?

16 A. No. You really weren't
17 walking, not like a Consol return or
18 something like that, but it was well
19 rock dusted. I'm sure that's what
20 stopped the explosion.

21 Q. Okay. Was it wet around the
22 areas at all?

23 A. No. That area around the
24 seals wasn't wet.

25 Q. Had there ever been any water
01 in that particular area?

02 A. Right in that area?

03 Q. Yes.

04 A. Not in --- no, not any laying
05 water right in that area.

06 Q. What were the stoppings made
07 of in the mine? And by that I mean,
08 you know, concrete block, Omega
09 blocks, you know, tin stopping, you
10 know, what was the general
11 construction?

12 A. The general construction was
13 that the main line stoppings were
14 mostly all made of concrete blocks.

15 Q. Was there any Omega blocks
16 mixed in?

17 A. On the main line stoppings?

18 Q. We're talking about main
19 lines.

20 A. Going up Two North mains.

21 Q. Okay.

22 A. And on the panels they would
23 use --- like paneling off the ---
24 those two panels off of One Left,
25 they would use Omega block. But

175

01 there were some stoppings that were
02 replaced or moved the stopping line
03 on the mains that were made out of
04 Omega blocks. The main line was not
05 all concrete blocks.

06 Q. The main line was?

07 A. The Two North mains.

08 Q. The Two North mains, ---?

09 A. Where they moved, we'd have a
10 fall in a return. They'd have to
11 move the stopping line over. And

12 they did build some stoppings out of
13 Omega blocks.

14 Q. And that is along Two North
15 mains?

16 A. That's along Two North mains,
17 yes, sir.

18 Q. What about like Two Left, One
19 Left?

20 A. Some of them, they did use
21 some Omega blocks up in that area,
22 too. They used both.

23 Q. Do they intermix them or ---?

24 A. No. You mean to build one
25 stopping, mix them together?

176

01 Q. That's a good question. Yeah.

02 A. No, they didn't do that.

03 Q. By intermixing them previously
04 --- in a previous question, what I
05 meant was, do they make --- you know,
06 put Omega up in this particular
07 crosscut, and then the next crosscut
08 is concrete blocks and do that kind
09 of ---?

10 A. I've seen that in certain
11 areas, yes. You know, the guy had
12 built a stopping. He just used
13 whatever he had on hand.

14 Q. The stoppings next to the
15 seals, down that area, what were
16 those constructed of; do you recall?

17 A. They built some new stoppings
18 in there to establish the intake up
19 to Two Left, but I don't recall what
20 they were doing.

21 Q. The overcast in the mine, what
22 were they constructed of?

23 A. I think they were different,
24 too. I'd just be guessing if I told
25 you. I know most of them were built

177

01 of concrete blocks with steel beams
02 on top of them, like four-inch high
03 beams then corrugated tin and mortar
04 poured over top of the tin.

05 Q. And specifically in the Two
06 Left area, do you recall maybe what
07 type of block in that specific area?
08 I know you had mentioned about you
09 had gone across there because of the
10 two-tenths methane and so on and so
11 forth.

12 A. I don't recall what those
13 overcasts were doing.

14 Q. Okay. The regulators in the
15 mine, especially at the Two Left
16 area, do you recall what those were
17 made of, the regulators?

18 A. The Two Left area, there were
19 no regulators on Two Left. Let me
20 think. Okay. They had an intake
21 regulator at the mouth of the
22 section, and it was made of the frame

23 from a Kennedy steel stopping that
24 was still up and partly blocked ---
25 they put some blocks --- I think

178

01 Omega blocks in there. But as I
02 recall, there was a frame for a
03 Kennedy steel stopping there and part
04 of --- and then some blocks put up
05 around here.

06 Q. Did they use Kennedy stoppings
07 anywhere in the mine?

08 A. They used them in places where
09 they knew the stoppings were
10 temporary, were coming back out.

11 They used them on the short panels
12 off of One Left and they also used
13 some up around the Two Left --- where
14 the intake breaks off the mains going
15 into Two Left. They had a couple in
16 there for a short period of time.

17 There probably was one where that
18 regulator --- yeah, there was. There
19 was one where that regulator was,
20 that they had a steel stopping there,
21 but just for a period of a few weeks.
22 They had a steel stopping there.

23 Q. Do you know any other miners
24 that may have missed their training?

25 A. No, sir.

179

01 Q. Do you know of any other

02 miners that had certificates maybe
03 --- that signed certificates and they
04 did not receive their training at
05 all?

06 A. No, sir.

07 Q. When was your last
08 certification of an examiner? I
09 might have asked you that before, but
10 just for clarification.

11 A. You didn't.

12 Q. Okay.

13 A. It was probably in my last
14 training class, which would have been
15 October or --- a year and a half ago.

16 Q. You said that you have not
17 participated in any fire drills at
18 the Sago Mine. Do you know if
19 they've conducted any fire drills at
20 all?

21 A. I haven't seen any, but I'm
22 sure they have.

23 Q. How about escapeway drills?

24 A. I haven't been in any of those
25 either, but of course I walk those

180

01 escapeways weekly.

02 Q. Did you ever hear of any
03 miners talking about we had a fire
04 drill today or we walked the
05 escapeway or maybe any discussions or
06 anything like that?

07 A. I don't recall anything.

08 Q. What about, oh, we were
09 supposed to have an escapeway drill
10 today and, you know, we didn't have
11 it or anything like that?
12 A. I don't recall that either.
13 Q. The seals, when you went past
14 those seals or examined those seals,
15 do you recall seeing any coating of
16 any sort on the seal?
17 A. Yes.
18 Q. Was it soft or hard to the
19 touch or anything?
20 A. It looked like B-bond coating
21 to me.
22 Q. Let me ask you this, when you
23 looked at this coating, how did it
24 look to you? Did it have little
25 beads in it or anything like

181

01 Styrofoam of any sort or anything
02 like that?
03 A. It didn't appear --- it just
04 appeared to be B-bond to me. Of
05 course, you know, it's uneven. What
06 they put it --- they probably just
07 put it on with a pair of gloves.
08 Q. Could you see like finger
09 marks, and is that why you said that?
10 A. Yeah, that's what it appeared.
11 You know, it would be like he swirled
12 it. It appeared that's the way it

13 was put on, but I didn't actually see
14 them putting it on.

15 Q. Do you remember what color it
16 was?

17 A. Like an olive, drab olive
18 green/gray, something in there.

19 Q. I wouldn't know what color
20 that is because I have a color
21 deficiency, so I'm glad you know.
22 But you didn't --- I mean, it was
23 smooth. It didn't have any beads or
24 anything in it or anything like that?

25 A. Not that I recall.

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01 Q. Just briefly if we can,
02 getting back to the --- whenever you
03 --- when you signed that certificate.
04 Was Mr. Schoonover aware that you
05 actually didn't take the training?

06 A. I assume.

07 Q. Did he say he knew that?

08 A. No, he never said that. He
09 gave me a slip and I signed it.

10 Q. Did he tell you to sign it?

11 A. I don't remember the
12 conversation, but I did sign it.

13 Q. Have you ever had any safety
14 concerns at all at the mine of any
15 kind, any safety concerns of any
16 kind?

17 A. No, not really. Of course,
18 there's safety in every mine, and it

19 was a hard mine to work. But as far
20 as being --- you know, especially
21 something like this happening, I
22 never thought it would ever happen
23 there.

24 Q. I understand. When you say it
25 was a hard mine to work, what do you

183

01 mean?

02 A. The bottom was uneven, a lot
03 of water and mud and the hardest mine
04 to walk in that I ever worked in.
05 The top wasn't --- the top was bad.
06 It wasn't real bad, though. It
07 didn't worry me that much. And the
08 methane worried me the least of
09 anything.

10 Q. Let me ask you this. What do
11 you think caused the explosion?

12 A. Well, I'm thinking it was
13 lightning, but how in the world it
14 got in there, I have no idea.

15 Q. What makes you think it was
16 lightning?

17 A. Several reasons. One, the
18 dispatcher told me there was one of
19 the worst lightning flashes he ever
20 saw at the instant that the power
21 went off. And they come back --- I
22 think that if your federal agencies
23 come back and map the lightning

24 strikes in that area and timed our
25 computer back to the time --- to the

184

01 time on the clock and there was a
02 strike, a severe strike, that they
03 said was 45 times stronger than a
04 normal lightning strike that hit
05 right in that area at the time we
06 lost the power. But what's got me
07 whether it might not be is how in the
08 world did it get in there.

09 Q. That's what I was going to ask
10 you next. I mean, where do you think
11 the methane came from?

12 A. I don't see how it could.

13 MR. MILLS:

14 John, just a couple
15 quick ---.

16 BY MR. MILLS:

17 Q. You mentioned the last time
18 you examined the seals was the
19 Wednesday before the explosion?

20 A. Yes, sir.

21 Q. Would that have been between
22 Christmas holiday and New Year
23 holiday?

24 A. Yes.

25 Q. You mentioned that you got

185

01 two-tenths at the seals in the air
02 course?

03 A. Uh-huh (yes).

04 Q. And that you got 1.2 at the
05 sample tube?

06 A. Yes, sir.

07 Q. Did you have a pump on your
08 detector?

09 A. No, I did not. I know the
10 barometric pressure --- whether it
11 was going in or coming out, you know,
12 I have no way of knowing. But I did
13 not have a pump.

14 Q. So you're assuming then it was
15 coming out since you had 1.2 there?

16 A. I'm assuming since I had more,
17 right, that it was coming out.

18 Q. Your detector, did the alarm
19 go off on the methane? And 1.2 is
20 what you told me you had when the
21 alarm went off.

22 A. You know, I don't specifically
23 remember it going off, but I'm sure
24 it did.

25 Q. Okay. And this is a three gas

186

01 detector?

02 A. Yes.

03 Q. Can you remember what the O₂
04 and the CO was at that same sample?

05 A. I don't remember.

06 Q. Okay. You've mentioned that
07 you spoke to Carl Crumrine and that
08 he had did the same seals on Friday,

09 after your Wednesday exam?
10 A. Yes.
11 Q. And he mentioned 0.2 percent
12 methane?
13 A. Yes.
14 Q. Do you know if he took the
15 sample at the sample tube or he ---?
16 A. No.
17 Q. He didn't mention doing that?
18 A. No, sir, he never mentioned it
19 to me.
20 MR. MILLS:
21 That's all I have.
22 BY MR. SWENTOSKY:
23 Q. I know we keep saying a couple
24 more, but eventually we'll get done.
25 A. You'll run out in a little

187

01 bit.
02 Q. Has anyone offered you
03 anything or made any promise to you
04 in exchange for your appearing here
05 today?
06 A. No, sir.
07 Q. In closing, do you have
08 anything that you would like to add
09 or may be relevant to this
10 investigation that you would like to
11 add or anything that you would like
12 to say at all, just ---?
13 A. No. You've gotten all I know.
14 Now, hopefully we can find out what

15 happened.

16 Q. So do we. And we appreciate
17 you coming in.

18 MR. SWENTOSKY:

19 Anything else? On
20 behalf of MSHA, I would like
21 to thank you for appearing
22 here and answering the
23 questions today. Your
24 cooperation is very important
25 to the investigation as we

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01 work to determine the cause of
02 the accident. We ask that you
03 not discuss your testimony
04 with any other person who may
05 have already been interviewed
06 or who may be interviewed in
07 the future. This will ensure
08 that we obtain everyone's
09 independent recollection of
10 events surrounding the
11 accident.

12 After questioning other
13 witnesses, we may call you if
14 we have any follow-up
15 questions that we feel that we
16 will need to ask you. If at
17 any time you have additional
18 information regarding the
19 accident that you would like

20 to provide to us, please
21 contact us at the contact
22 information that was
23 previously provided to you.
24 And that was on a business
25 card there.

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01 The Mine Act provides
02 certain protections to miners
03 who provide information to
04 MSHA and, as a result, are
05 treated adversely. If at any
06 time you believe that you have
07 been treated unfairly because
08 of your cooperation in this
09 investigation, you should
10 immediately notify MSHA. If
11 you wish, you may now go back
12 over any question you have
13 given during this interview
14 and you may also make any
15 statement that you would like
16 to make at this time.

17 A. None.

18 MR. SWENTOSKY:

19 Again, I want to thank
20 you for your cooperation in
21 this matter. Thanks, John.

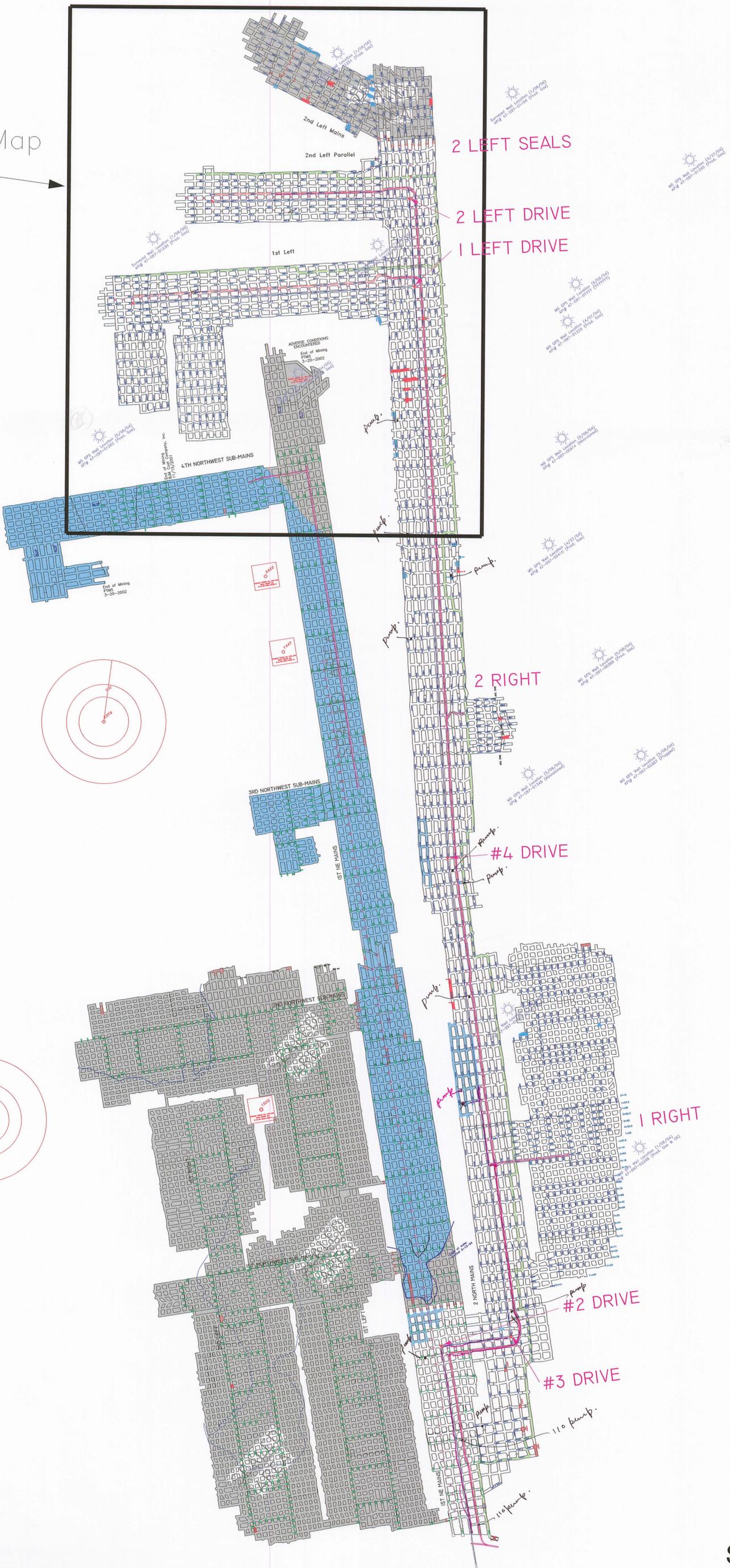
22 * * * * *

23 STATEMENT UNDER OATH

24 CONCLUDED AT 12:15 P. M.

25 * * * * *

Area Shown on Map
Scale: 1" = 100'



Scale: 1" = 300'

Scale: 1" = 100'

Area Shown on Map
Scale: 1" = 50'

