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Transcript of the Testimony of Gregg Meadows

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STATEMENT UNDER OATH
OF
GREGG MEADOWS

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Saturday, August 21, 2010, beginning at 8:00 a.m.

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EXHIBIT PAGE

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NUMBER

DESCRIPTION

IDENTIFIED

One

Subpoena

8*

Two

Green Card

9*

* Exhibit not attached

P R O C E E D I N G S

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ATTORNEY BAXTER:

My name is Derek Baxter. Today is August 21st, 2010. I am with the Office of the Solicitor, U.S. Department of Labor. With me is Jasey Maggard, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. FARLEY:

I'm Terry Farley with the West Virginia Office of Miners' Health, Safety and Training.

MR. O'BRIEN:

John O'Brien with the West Virginia Office of Miners' Health, Safety and Training.

MR. KOERBER:

Barry Koerber, Assistant Attorney General assigned to represent the West Virginia Office of Miners' Health, Safety and Training.

MS. MONFORTON:

Celeste Monforton with the Governor's independent team.

ATTORNEY BAXTER:

1 And also, Mr. Dave Hardy is present ---

2 ATTORNEY HARDY:

3 Yes.

4 ATTORNEY BAXTER:

5 --- on behalf of the company.

6 ATTORNEY HARDY:

7 Yeah, David Hardy on behalf of

8 Performance.

9 ATTORNEY BAXTER:

10 And Mr. Maggard, Mr. Farley and Ms.

11 Monforton will be conducting the questioning today.

12 Would you please swear the witness in?

13 -----

14 GREGG MEADOWS, HAVING FIRST BEEN DULY SWORN, TESTIFIED

15 AS FOLLOWS:

16 -----

17 ATTORNEY KOERBER:

18 Sir, would you please state your full

19 name for the record and spell your last name?

20 A. Gregory Allen Meadows, Sr., M-E-A-D-O-W-S.

21 ATTORNEY KOERBER:

22 And would you please state your address

23 and telephone number?

24 A. (b) (7)(C) .

25 ATTORNEY KOERBER:

1 And your phone number?

2 A. (b) (7)(C) .

3 ATTORNEY KOERBER:

4 Sir, do you have your own attorney or
5 personal representative with you here today?

6 A. No.

7 ATTORNEY KOERBER:

8 Are you appearing here today because of
9 the receipt of a subpoena?

10 A. Yes.

11 ATTORNEY KOERBER:

12 And would this be a copy of that
13 subpoena?

14 WITNESS REVIEWS DOCUMENT

15 A. Yeah.

16 ATTORNEY KOERBER:

17 Okay. I'd like this to be marked as
18 Exhibit One.

19 (Exhibit G. Meadows One marked for
20 identification.)

21 ATTORNEY KOERBER:

22 And then this is a copy of the green card
23 signed by a person by the name of (b) (7)(C) , ---

24 A. Yes.

25 ATTORNEY KOERBER:

1 --- which I take it is your wife?

2 A. Yes.

3 ATTORNEY KOERBER:

4 Okay. I'd ask that to be marked as

5 Exhibit Two.

6 (Exhibit G. Meadows Two marked for

7 identification.)

8 ATTORNEY KOERBER:

9 Mr. Meadows, the statute that authorizes

10 the director to subpoena witnesses to interview such
11 as this requires the director to offer to each witness
12 a \$40 witness fee and mileage at the rate of 15 cents
13 a mile plus reimbursement for any tolls you may have
14 passed on your way here or back. In order to receive
15 that money, I have two forms that must be filled out,
16 one of which is an IRS form, W-9, which is a request
17 for your Social Security number.

18 The \$40 witness fee is considered income,
19 to which you will receive a 1099 miscellaneous at some
20 later time during the year. If you would like to fill
21 out those forms and receive that money, you can do so
22 at the end of the interview, or if you do not want to
23 provide your Social Security number to me, you can
24 decline to receive the money, but you need to make
25 your decision on the record now.

1 A. No.

2 ATTORNEY KOERBER:

3 No? Decline?

4 A. Decline.

5 ATTORNEY KOERBER:

6 Okay.

7 ATTORNEY BAXTER:

8 Okay. All members of the Mine Safety and

9 Health Accident Investigation Team and all members of
10 the State of West Virginia Accident Investigation Team
11 participating in the investigation of the Upper Big
12 Branch Mine explosion shall keep confidential all
13 information that is gathered from each witness who
14 provides a statement until the witness statements are
15 officially released.

16 MSHA and the State of West Virginia shall
17 keep this information confidential so that other
18 ongoing enforcement activities are not prejudiced or
19 jeopardized by a premature release of information.
20 This confidentiality requirement shall not preclude
21 investigation team members from sharing information
22 with each other or with other law enforcement
23 officials. The team members' participation in this
24 interview constitutes their agreement to keep this
25 information confidential.

1 Government investigators and specialists
2 have been assigned to investigate the conditions,
3 events and circumstances surrounding the fatalities
4 that occurred at the Upper Big Branch Mine-South on
5 April 5th, 2010. The investigation is being conducted
6 by MSHA under Section 103(a) of the Federal Mine
7 Safety and Health Act and the West Virginia Office of
8 Miners' Health, Safety and Training. We appreciate
9 your assistance in this investigation.

10 You may have your personal attorney
11 present during the taking of this statement or another
12 personal representative if MSHA has permitted it and
13 may consult with your attorney or the representative
14 at any time. Your identity and the content of this
15 conversation will be made public at the conclusion of
16 the interview process and may be included in the
17 public report of the accident, unless you request that
18 your identity remain confidential or your information
19 would otherwise jeopardize a potential criminal
20 investigation. If you request us to keep your
21 identity confidential, we will do so to the extent
22 permitted by law.

23 That means that if a judge orders us to
24 reveal your name or if another law requires us to
25 reveal your name or if we need to reveal your name for

1 other law enforcement purposes, we may do so. Also,
2 there may be a need to use the information you provide
3 to us or other information we may ask you to provide
4 in the future in other investigations into and
5 hearings about the explosion. Do you understand?

6 A. Yeah.

7 ATTORNEY BAXTER:

8 And do you have any questions?

9 A. No.

10 ATTORNEY BAXTER:

11 After the investigation is complete, MSHA
12 will issue a public report detailing the nature and
13 causes of the fatalities in the hope that greater
14 awareness about the causes of accidents can reduce
15 their occurrence in the future. Information obtained
16 through witness interviews is frequently included in
17 these reports. Since we will be interviewing other
18 individuals, we request that you not discuss your
19 testimony with any person aside from your personal
20 representative or Counsel.

21 A court reporter will record your
22 interview. Please speak loudly and clearly. If you
23 do not understand a question asked, please ask us to
24 rephrase it. Please answer each question as fully as
25 you can, including any information you've learned from

1 someone else.

2 I'd like to thank you in advance for your

3 appearance here. We appreciate your assistance in

4 this investigation. Your cooperation is critical in

5 making the nation's mines safer.

6 After we have finished asking questions,

7 you'll have an opportunity to make a statement and

8 provide us with any other information that you believe

9 to be important. If at any time after the interview

10 you recall any additional information that you believe

11 might be useful, please contact Norman Page at MSHA at

12 the telephone number or e-mail address provided to

13 you.

14 Any statements given by miner witnesses

15 to MSHA are considered to be an exercise of statutory

16 rights and protected activity under Section 105(c) of

17 the Mine Act. If you believe any discharge,

18 discrimination or other adverse action is taken

19 against you as a result of your cooperation with this

20 investigation, you're encouraged to immediately

21 contact MSHA and file a complaint under Section 105(c)

22 of the Act.

23 MR. FARLEY:

24 Mr. Meadows, one other bit of

25 housekeeping before we start here. On behalf of the

1 Office of Miners' Health, Safety and Training I'd like
2 to inform you that the West Virginia Coal Mine Health
3 and Safety Regulations, specifically Chapter 22(a),
4 Article 1, Section 22, provide protection against
5 potential discrimination for participating in these
6 type interviews. I'd like to pass some contact
7 information for the West Virginia Board of Appeals.

8 They hear complaints from miners concerning
9 discrimination, and should you have any problems, you
10 should contact the Board. I would caution you that
11 should you have a problem, you need to file a
12 complaint within 30 days of whenever it occurs. Also,
13 here's a copy of my business card if you need to
14 contact me.

15 EXAMINATION

16 BY MR. FARLEY:

17 Q. Well, Mr. Meadows, how long have you been a coal
18 miner?

19 OFF RECORD DISCUSSION

20 BY MR. FARLEY:

21 Q. How long have you been a coal miner?

22 A. It's been a little over three years.

23 Q. Okay. Have you always been employed by Massey
24 companies?

25 A. Yes.

1 Q. Okay. When did you start at UBB?

2 A. I want to say about August. I can't really
3 remember the date. They started the wall up.

4 Q. Okay. And would that be around 1st of September?

5 A. Somewhere right in there ---

6 Q. Okay.

7 A. --- because I was the last one to leave Logan's
8 Fort.

9 Q. Okay. Was the longwall in production when you got
10 to UBB?

11 A. No.

12 Q. After you arrived at UBB, how long was it before
13 it started up?

14 A. I'd say probably a good two months.

15 Q. Okay.

16 A. It may've been when it started.

17 Q. Okay.

18 A. I can't ---.

19 Q. We understand that it started up, oh, probably
20 around the 1st of September or so.

21 A. Right.

22 Q. If you were there a couple months before, then
23 it's probably a good bet that you were there in July
24 or something like that.

25 A. I might've been.

1 Q. Okay. What West Virginia coal miner
2 certifications do you have?

3 A. Just electrician.

4 Q. Okay. When did you become an electrician?

5 A. It was in December of last year.

6 Q. Okay. All right. Now, once you arrived at UBB,
7 what area of the mine did you work in? What was your
8 job?

9 A. Longwall.

10 Q. Okay.

11 A. Maintenance.

12 Q. Maintenance? Okay. What shift?

13 A. Third shift.

14 Q. Okay. Owl; right?

15 A. Yeah.

16 Q. Who was your immediate supervisor?

17 A. Shannon Dickens.

18 Q. Okay. Was he your immediate supervisor all during
19 the time that you worked at UBB up until the time of
20 the explosion?

21 A. Yes.

22 Q. Okay. Now, Mr. Dickens, was he a maintenance
23 foreman, a crew leader or what was his job title?

24 A. Yeah, maintenance foreman.

25 Q. Okay. Did you have confidence in Mr. Dickens?

1 A. Yes, sir.

2 Q. And did you feel like he made a reasonable effort
3 to comply with Health and Safety Regulations?

4 A. Yes, sir.

5 Q. Okay. Who were the other members of your
6 maintenance crew, anybody?

7 A. Kelton Cozart.

8 Q. Okay.

9 A. It was just us three ---

10 Q. Okay.

11 A. --- who was on the maintenance. Then they had,
12 like, shield techs.

13 Q. Okay. Now, what was your work schedule? Did you
14 work Monday through Friday or ---?

15 A. I had five on, three off.

16 Q. Five on, three off?

17 A. That was our last schedule.

18 Q. Okay. Now, did your schedule occasionally overlap
19 with another crew?

20 A. Yeah, they had another crew that overlapped.

21 Q. Okay.

22 A. And them three would be Smokey, which is Robert
23 Hale Chad and Mike.

24 Q. Chad ---?

25 A. Neil.

1 Q. And Mike ---?

2 A. And Mike Medley.

3 Q. Okay. All right. Now, prior to the explosion on
4 April 5th, what was the last shift you worked on the
5 UBB longwall?

6 A. Thursday night.

7 Q. Okay. Would that be the, I guess the Friday
8 morning shift, too?

9 A. Yeah, we finished that Friday morning.

10 Q. Okay. All right. Can you tell me what you did on
11 your last shift?

12 A. Just service the shearer, set bits, clean the
13 sprays.

14 Q. Okay. Any major ---?

15 A. Just normal ---.

16 Q. Okay.

17 A. No, just normal, routine maintenance.

18 Q. Okay. Any major breakdowns that you had to deal
19 with, anything like that?

20 A. Uh-uh (no).

21 ATTORNEY BAXTER:

22 Sorry. Is that a no?

23 A. No.

24 BY MR. FARLEY:

25 Q. Okay.

1 A. Sorry about that.

2 Q. That's all right. Did you notice anything else
3 during your last shift, anything --- did you see
4 anything unusual? Did you smell anything unusual, any
5 sense of anything that was different?

6 A. No.

7 Q. Okay. Was the ventilation consistent with what
8 you'd had the week or two before?

9 A. That ventilation, we've had trouble since I've
10 been there.

11 Q. Okay.

12 A. Some days you'll have it; some days it'll be
13 less, ---

14 Q. Okay.

15 A. --- but that was out of my department.

16 Q. Okay. Now, that leads me to my next question.
17 Now, my review of the UBB longwall section pre-
18 shift/on-shift report book indicates that around the
19 1st of March that the intake air reading was about
20 115,000 cubic feet per minute. Now, around March 8th
21 it's down to 79,000. March 9 it's back up to 116,000.
22 And then by a couple days later, it's down to 76,000.
23 Does that sound familiar?

24 A. That's out of my department.

25 Q. Okay.

1 A. I mean, I don't mess with air or ventilation.

2 Q. All right. I know you don't --- I know it's not
3 your responsibility, but did you ---?

4 A. I don't know the readings or nothing like that. I
5 know we'd had different in the air changes.

6 Q. Okay.

7 A. I do know that.

8 Q. Well, you know, I wouldn't expect you to know the
9 readings, but when you go from --- when you reduce
10 your quantity of air by 35 ---

11 A. Yeah, well I knowed they was.

12 Q. --- 35 percent, you might physically notice that.

13 A. Yeah, you'll notice it. Some days you'll have it
14 and some days you won't.

15 Q. Okay. So that was my question. Did you note ---
16 did you feel a change?

17 A. I can't recall. I have felt it before, but I
18 can't recall that week.

19 Q. Okay. Now, by the end of March that intake air
20 readings down to the mid 50,000, 55,000 approximately.
21 Now, you go a month here and the quantity of air,
22 intake air on the longwall basically halves, so did
23 you feel that?

24 A. Like I say, you'd know the difference in them, but
25 I don't know how much.

1 Q. Okay. Did you normally wear a jacket on the
2 longwall during your shift?

3 A. No. It was cold up there, but I never did.

4 Q. Okay. Did most other people?

5 A. They was some of them did.

6 Q. Okay.

7 A. When we first started up was the worst.

8 Q. Okay. Do you recall the last time you might've
9 traveled into the longwall tailgate entries, if you
10 ever did?

11 A. That had been, I'm wanting to say maybe about the
12 1st of the --- 1st of the year.

13 Q. Okay.

14 A. We had to do a tail sprocket down there.

15 Q. Okay. All right. Now, which foreman or fire boss
16 made the pre-shift/on-shift examinations during your
17 shift, usually?

18 A. Would be Keith Stanley.

19 Q. Keith Stanley?

20 A. Larry Brown was our other one.

21 Q. Okay. Did you ever actually observe them make
22 their pre-shift or on-shift exam?

23 A. No, I don't know what they done.

24 Q. Okay. Now, on the tail side of the longwall, was
25 there a date board over there? Did you ever notice?

1 A. No, I ain't never paid --- I'd say they was ---

2 Q. Okay.

3 A. --- somewhere through there.

4 Q. Okay. Now, during the month of February and the
5 month of March before the explosion, are you aware of
6 any major mine ventilation changes that took place?

7 A. There was one, and I can't --- I don't know the
8 date of it, but they'd called us outside.

9 Q. Okay.

10 A. But I can't recall. It was somewhere around that
11 time.

12 Q. Okay. Think that would've been February or March?

13 A. I would say probably March. I can't recall.

14 Q. Okay. Do you recall the mine being down for a
15 couple of --- three days in March due to a ventilation
16 problem? Or the longwall being down for a few days in
17 March, that is, excuse me.

18 A. The mine was down for a little while, a few days
19 there, but I don't know. It was over ventilation, my
20 understanding.

21 Q. Okay. Do you know any specifics on it?

22 A. I don't know if it was in March or when.

23 Q. Okay. All right. As the air changed during the
24 month of March on the longwall face, if you can
25 recall, were the changes more noticeable on the

1 headgate side, on the tailgate side or across the
2 entire face?

3 A. Probably the headgate.

4 Q. Okay. Now, do you mean that you felt less air
5 velocity?

6 A. Either less or more.

7 Q. Okay. All right. Ever use any explosives ---

8 A. No.

9 Q. --- along the longwall face?

10 A. Never, I ain't never.

11 Q. Observe anyone else using them?

12 A. I've seen, well, I think Larry and them going up
13 there to shoot or something, the bar is too wide or
14 something.

15 Q. Okay. Now, like, Larry ---?

16 A. Brown.

17 Q. Larry Brown. What's Larry's --- what was Larry's
18 position?

19 A. He was a section foreman.

20 Q. Okay. Now, why would they have been using ---?

21 A. If it had got too wide for it to cut out or
22 something like that.

23 Q. Okay. Did you ever actually observe them shoot?

24 A. No.

25 Q. Okay. Do you know how many occasions they

1 might've had to use explosives?

2 A. No.

3 Q. Okay.

4 A. Just when they hit a wide spot or something that
5 wouldn't cut out.

6 Q. Okay. Any idea as to how often they might've hit
7 a wide spot?

8 A. No.

9 Q. Okay.

10 A. Like I say, I wasn't on production, so I don't
11 know.

12 Q. Okay. Did you ever have any --- experience any
13 burning sensation in your eyes on the longwall
14 section?

15 A. No.

16 Q. Anywhere else in the mine?

17 A. No.

18 Q. Okay. Did you ever notice any kerosene type
19 smell?

20 A. No.

21 Q. Okay. Did you ever experience any chronic fatigue
22 during the last couple three months at UBB?

23 A. What do you mean?

24 Q. Well, I mean by the --- when you got home, did you
25 feel like you just wanted to go to sleep?

1 A. No.

2 Q. Okay. All right. Now, on the midnight shift did
3 you carry a methane detector?

4 A. No.

5 Q. Who did?

6 A. Shannon.

7 Q. Shannon, your foreman?

8 A. Yeah, and I guess Larry and them.

9 Q. Okay. Are you aware of any methane being detected
10 along the longwall face or anywhere in the vicinity
11 while you were working on the UBB longwall from
12 September of last year up until April 5th?

13 A. No.

14 Q. Anything at all?

15 A. No.

16 Q. Okay. Were you involved in maintaining or
17 calibrating any longwall methane monitors?

18 A. No, I seen they would go through there. They'd
19 calibrated one there with the inspector the last time,
20 but ---

21 Q. Okay.

22 A. --- it was more or less them.

23 Q. Okay. Who would've done the --- who would've done
24 the calibration?

25 A. Probably Shannon.

1 Q. Okay. Do you recall about when that was?

2 A. I want to say a couple weeks before the explosion.

3 Q. Okay.

4 A. Three or four.

5 Q. All right. Do you have any knowledge of any
6 longwall methane monitor ever being bridged out,
7 defeated or in any way manually overridden?

8 A. No.

9 Q. Any knowledge of that occurring in any other part
10 of the mine?

11 A. No.

12 Q. Okay. On the midnight shift, who was specifically
13 responsible for maintaining and calibrating the
14 methane monitor?

15 A. I would think Shannon on our crew.

16 Q. Okay. Did you do any weekly electrical
17 examinations yourself?

18 A. Yeah, I just had started. I done some on the head
19 drive.

20 Q. Okay. Anything in particular?

21 A. Just Head Drive One and Head Drive Two.

22 Q. Okay. Recall ---? Do you recall about when you
23 started making those exams?

24 A. I'd say probably a month prior to the explosion.

25 Q. Okay. Are you familiar with any water problems

1 along the longwall face at any time after you started
2 at UBB?

3 A. Yeah, we've had water.

4 Q. Okay. Recall when that occurred?

5 A. I'd say probably around the 1st of the year.

6 Q. Okay. Did it halt production at any time?

7 A. Yeah.

8 Q. How long were you down because of the water?

9 A. Well, they wasn't down. They just had to work and
10 get it out of there.

11 Q. Okay. Do you recall how deep the water was along
12 the longwall face at its highest point?

13 A. No, it looked deep, but the biggest part of it was
14 the fines.

15 Q. Okay.

16 A. The coal fines washed back down to a shallow
17 spot ---

18 Q. Okay.

19 A. --- where they messed up on their cutting, I
20 guess.

21 Q. All right. How many pumps do you recall being set
22 up along the longwall face during the water problem?

23 A. Well, they had one big one right there. They was
24 trying to get it going.

25 Q. Okay.

1 A. But the fines were just pretty much overtaken.

2 Q. Okay. Now, as of your last shift, the Thursday
3 night before the explosion, were there any pumps on
4 the longwall face then that you recall?

5 A. No, I don't believe. I think they done had
6 everything straight.

7 Q. Okay. We understand that around the mouth of the
8 longwall here that there were a couple of doors
9 installed on the track and the doors were constructed
10 in a manner to where the side partition away from the
11 door had been partially left out?

12 A. Yeah, that was the third and fourth set.

13 Q. Okay. Now, the map shows the doors at
14 approximately between Crosscut 11 there, I believe,
15 and the longwall headgate entry; is that about right?

16 A. I was thinking more around 13 or 14, ---

17 Q. Okay.

18 A. --- but I'm not sure.

19 Q. Okay. But you do recall the doors?

20 A. Yeah, they had four doors there.

21 Q. Okay. Do you recall when the doors were first
22 built, when they first appeared there?

23 A. The second set?

24 Q. Yes, sir, the ones with the side ---

25 A. With that side that opened up?

1 Q. --- portion out.

2 A. I would say probably maybe a month before.

3 Q. Okay.

4 A. I mean, that's my guess, a month before.

5 Q. Okay. Now, did anybody ever explain why the doors
6 were constructed in that manner?

7 A. They just said the air ventilation or something,
8 getting the airflow right or ---.

9 Q. Okay.

10 A. Like regulators or something.

11 Q. All right. Could you feel, you know, physically
12 feel any change in the airflow after that?

13 A. Not really.

14 Q. Okay. As you traveled into and out of the mine at
15 UBB --- now, there are a number of doors along the
16 track --- how often did you come upon doors that had
17 been left open?

18 A. I can't recall any, really. There may be one set
19 or something here and there, but ---. Like, at times,
20 like, they had some trouble out of some right there
21 that wouldn't stay shut, and they worked on them.

22 Q. Now, you're pointing to a particular spot on the
23 map ---?

24 A. Yeah, coming back right through here through 78.

25 Q. Okay, around 78?

1 A. There was four sets of doors there.

2 Q. Okay.

3 A. And somebody had hit one or something, and it
4 wouldn't shut all the way.

5 Q. Okay.

6 A. Hit it with a mantrip.

7 Q. Okay. Do you know if anyone ever repaired it
8 after it was damaged.

9 A. Yeah.

10 Q. Okay. Did you ever have any conversations with
11 the people who worked on the Headgate 22 section while
12 you worked at UBB?

13 A. No, not ---. Well, just ---.

14 Q. About ventilation.

15 A. Oh, no.

16 Q. Okay.

17 MR. FARLEY:

18 Jasey, you want to have a go at it?

19 MR. MAGGARD:

20 I can try.

21 EXAMINATION

22 BY MR. MAGGARD:

23 Q. Greg, those doors at Break 11, 13, 14, wherever,
24 that had the regulators in it was build about a month
25 prior. Do you know who built those?

1 A. No, I have no idea.

2 Q. Was they built on --- what shift? You don't know
3 what shift they were built on?

4 A. Well, we was off on a --- our days off, come back,
5 they was built there, but I can't recall what day they
6 were.

7 Q. Okay. Have you got a guess who would've built
8 them?

9 A. No, I wouldn't have no idea.

10 Q. Okay. What did you normally do as far as --- you
11 know, Shannon was your boss? What did you normally do
12 on a regular shift?

13 A. We'd come in and maintenance everything. The
14 first thing we'd do is go ahead and check the oils on
15 the shearer, check the bits, check the sprays, pretty
16 much just routine maintenance. If we got caught up
17 there, then we would help the shield techs.

18 Q. How often would you have to work on the sprays?

19 A. It just depends, more or less, with the operators,
20 if they was working fine. If there was some of them
21 starting to stop up or whatever, then we'd go down and
22 clean them.

23 Q. Had you ever worked on the fire valves or anything
24 like that?

25 A. No, I haven't.

1 Q. Okay. Do you know where they're located?

2 A. They're on them shields there, but I'm not for
3 sure what number.

4 Q. On the shields?

5 A. Yeah, they got some valves not hooked to the
6 shields.

7 Q. On the shields, what unit's sprayed?

8 A. You had your tip sprays out there, which they had
9 them set on their panel. I don't know how many
10 shields.

11 Q. Okay. Did you have any trouble out of the Control
12 units or ---?

13 A. Yeah, we had trouble on them. We'd have to go
14 down the shields would overrun the shields, pull and
15 cut one of the cables or something.

16 Q. How often did that happen?

17 A. Just depended on the operators.

18 Q. Give me a guess of how often you'd have to ---
19 would you have to change out many of the units, the
20 Control units or ---?

21 A. No, it'd just be a cable or something that they'd
22 cut into.

23 Q. Okay. What about the shield control units? Did
24 'all have a lot of failures on those or ---?

25 A. No, just like I say, them tearing them up or

1 something.

2 Q. Did you keep spare parts around the --- you know,
3 on the face?

4 A. Yeah, we had a maintenance car. No, we had a
5 maintenance car outby.

6 Q. Outby?

7 A. Yeah.

8 Q. But you didn't keep any spare working units along
9 the face ---

10 A. No.

11 Q. --- for, like, shield, you know, control units or
12 Control units or ---

13 A. No.

14 Q. --- anything like that?

15 A. They don't keep any extras on the face.

16 Q. Okay. What kind of spare parts did you keep along
17 the face?

18 A. Most thing would be --- would probably be a bit
19 box full of little fittings or something to stick in
20 behind the shields. So they wouldn't have to come
21 onto the head to get a three-eighths fitting, but other
22 than that, that's about it.

23 Q. Yeah. Did you keep any welding supplies up on the
24 face?

25 A. No.

1 Q. Nothing?

2 A. No.

3 Q. Did you ever do any welding?

4 A. Yeah.

5 Q. When was the last time?

6 A. I'd say probably a couple weeks prior.

7 Q. Okay. What was you working on?

8 A. The backboard. They broke one off.

9 Q. How would you normally do that?

10 A. What do you mean?

11 Q. How would you set your welder up? What would you
12 use, just ---?

13 A. Oh, they've got the welders out there at the
14 headgate. Then they got a cable that runs through a
15 drop chord hookup on them and then you're set from
16 there.

17 Q. Tell us about the welders. I mean where was the
18 welder at?

19 A. They got one on the gate box. It's built into the
20 gate box itself. Usually I'd get there and get set up
21 or whatever. Then I'd page out. Then they would get
22 me started on everything.

23 Q. Who took care of that?

24 A. Just depended on who was out there.

25 Q. So you usually just worked on the other end, the

1 welding part?

2 A. Well, the receiving end.

3 Q. Okay. Tell me about the receiving end. Did you
4 have specific places you hooked your electrode up?

5 A. Yeah, they had certain places.

6 Q. Where at?

7 A. Well, just they had dropped ---. Like on the tail
8 we had the spot plumb plum on the end there that we'd
9 hook into.

10 Q. Would you hook it just the positive up, and then
11 ground to the pan line, or how did you do that?

12 A. Yeah, just if it's already grounded. The lead
13 they got inside, they would have it. You'd just hook
14 it up. They'd have drop chords laid for it. Just
15 hook your stinger into the positive lead.

16 Q. Okay. So you just hooked it up to the positive
17 lead ---

18 A. Yeah.

19 Q. --- and it was already grounded on the pan line?
20 Is that right?

21 A. Yeah.

22 Q. Okay. I mean, you didn't keep any welding
23 supplies up there. Did you keep any welding rods up
24 there?

25 A. No, I didn't store nothing. Most of them I

1 carried them from the car all the way up.

2 Q. How many would you normally take with you?

3 A. I'd take a box.

4 Q. Okay. Had you ever worked up, like, when they
5 were running? Did you ever work when the face, the
6 shearer was running?

7 A. I've seen it run, but I've never worked production
8 shift.

9 Q. Never? Okay. When was the last time you seen it
10 run?

11 A. I can't recall. I mean, we got to run it every
12 night just to raise it up or get it clean to where we
13 can set our bits or whatever. As I've ever seen it
14 run coal. I'd say probably a month, month and a half.

15 Q. When you seen it run coal, could you tell me about
16 how dusty the environment was, anything like that,
17 anything you noticed that ---?

18 A. No, it's dusty, but I guess that's pretty much
19 whatever you're cutting. But yeah, I've seen it run
20 and, yeah, I'd throw some dust down.

21 Q. How hard was it to see up there when they was
22 running?

23 A. As of seeing the shearer or --?

24 Q. Yeah.

25 A. About like a fog, pretty much.

1 Q. Had you ever --- well, when you were seeing it
2 run, where was it at along the face? Do you remember?

3 A. Well, usually by the head they'd be cutting out or
4 something.

5 Q. On the head side?

6 A. Yeah.

7 Q. Okay. You never did watch it on the tail side.
8 You was usually ---?

9 A. Yeah, I've seen it on the tail side, too.

10 Q. Had you noticed them cutting any of the top or
11 anything, any of the bottom or ---?

12 A. Uh-uh (no).

13 Q. Had you ever ---?

14 A. They was low spots here and there on there,
15 but ---.

16 Q. When they run through those low spots, did you
17 notice the shearer cutting and notice a lot of
18 sparking or ---?

19 A. I can't recall, man.

20 Q. You said that they were --- there was an inspector
21 that come in and checked the methane monitors on the
22 longwall ---

23 A. Yes.

24 Q. --- a couple weeks prior.

25 A. Yes.

1 Q. Do you remember who that was?

2 A. No, I don't know who he is. I don't know his
3 name.

4 Q. But was he a State inspector or Federal inspector?

5 A. I'd say --- I think it was State.

6 Q. Okay. And was that on third shift or ---?

7 A. Yeah.

8 Q. Okay. What else did he check?

9 A. I don't know. They went with --- he was with
10 Shannon and checked whatever.

11 Q. Had you ever come on the section and you had to
12 help with changing any motors lately or any cable
13 problems or ---?

14 A. No, we changed the shearer pin out there. It's
15 been probably February. We redone the whole shearer
16 cable, put a new one in.

17 Q. Was there any --- I know you worked Thursday
18 evening. On that shearer cable how many splices would
19 you say it had in it?

20 A. I wouldn't know about this one. I'd say maybe one
21 or two, but the other one we changed out. That's the
22 way I look splices. And we put this new one in it.

23 Q. How many splices did that cable have, the one you
24 replaced?

25 A. I don't know.

1 Q. Just a guess.

2 A. I couldn't tell you. I know we had three spots we
3 had to maintain.

4 Q. When you had a ground fault on the --- had you
5 ever witnessed a cable have a fault on the longwall
6 face?

7 A. No, which I had just had got my electrical. I was
8 trying to learn, but ---.

9 Q. Had you ever been with Shannon Dickens or anybody
10 when he was doing a monthly test of checking the
11 ground fault relays on the ---

12 A. I've seen him checking the relays.

13 Q. --- longwall start?

14 A. Yeah. But like I say, I didn't know really what
15 he was doing.

16 Q. Had you ever watched him calibrate a methane
17 monitor or assisted him or anything?

18 A. No, I've walked by him and seen he was with that
19 inspector. They was, like I say, gassing off or
20 whatever.

21 Q. Have you worked with the POC part of it as far as
22 the displays? Have you looked at those? Do you ---

23 A. No.

24 Q. --- remember a whole lot about the panel view?

25 A. I've seen the displays, but I don't know much

1 about them.

2 Q. Okay.

3 A. They had clickers or something. That's how they
4 adjust them or whatever, but other than that ---.

5 Q. Were you having --- was there any kind of
6 switches, any kind of E-stop problems or anything that
7 you had to work on or Shannon had to work on on
8 midnight?

9 A. No. We had to change an E-stop out one night, but
10 that was because a knob was broke off.

11 Q. Where was that at?

12 A. It's on the shearer.

13 Q. On the shearer?

14 A. Yeah.

15 Q. When you went to change that E-stop out, did you
16 notice the terminating diode inside that box?

17 A. No, I can't recall.

18 Q. What was wrong with the switch?

19 A. The knob.

20 Q. Was it still in the closed position or open
21 position?

22 A. It was still working. They had lost it sometime
23 and they had a schedule going on that night.

24 Q. Did they have any --- how long ago was that?

25 A. I would say probably four or five months ago,

1 prior.

2 Q. Okay. Had they been down for that knob or
3 anything that day or ---?

4 A. No, I don't know what time they'd lost it or
5 whatever, but we come in. They just left it for us to
6 fix it.

7 Q. If you were going to work on the --- let me ask
8 you this. Had they ever had any haulage motor
9 problems or haulage circuit problems on the shearer
10 since you've been working on the longwall?

11 A. I don't think we've had nay down here at UBB.
12 We've changed a motor out, but I'm trying to think
13 which one it was.

14 Q. Was it on the UBB ---

15 A. No, I'm thinking it was ---.

16 Q. --- longwall?

17 A. I'm thinking it was Logan's Fort.

18 Q. So that's normally not a maintenance problem,
19 then, for you guys?

20 A. No.

21 Q. What about pump motors?

22 A. No, they was usually good, too.

23 Q. Have you ever had to change one on this unit?

24 A. No.

25 Q. Okay. What about any kind of solenoid work on the

1 pumps circuit? Have you had to change any solenoids
2 out or ---?

3 A. Not on this one. I'd say this shearer here has
4 been probably one of the best ones I've ever seen.

5 Q. Okay. I know I've asked you this, but we're
6 talking about specific things. What normally give you
7 the most problems? I probably already asked you that.

8 A. Like I say, I guess the worse things was just the
9 maintenance on it, just coming and setting the bits
10 and everything. Like I say, this one here's been a
11 good shearer. Like, some of the other ones we had,
12 try to keep them going, but this one right here's been
13 a good one.

14 Q. Tell me about what kind of equipment they got on
15 that section, how many shield haulers they got,
16 anything else outby.

17 A. I was thinking they had two haulers and two
18 scoops.

19 Q. Okay. How many bolt machines?

20 A. They had one up there as, far as I know.

21 Q. Okay. Did they have a continuous miner left on
22 that section?

23 A. No, I haven't seen one.

24 Q. Okay. How many distribution boxes did they have?

25 A. I don't know.

1 Q. Did they have one ---?

2 A. Well, let me ---.

3 Q. Did they have one here, right beside the headgate
4 controller? Have you ever done anything on it?

5 A. Yeah, they had one mounted to it. They had some
6 pumps or something hooked up on the tail.

7 Q. Okay. Do you remember what was the last thing
8 that was used on that box? Do you remember what was
9 plugged into that box?

10 A. No, I have no idea.

11 Q. I think Terry might've asked you this, but was
12 there any pumps on the longwall face the last day that
13 you worked?

14 A. I can't recall any.

15 Q. Was any pumps outby or up toward the --- have you
16 worked on any other pumps on the section?

17 A. No. Pretty much I've just been on the wall.

18 Q. Okay. The pump that used to be on the face, was
19 it a 28 horsepower pump? You say it was a big pump?

20 A. Yeah, it was a big one. I don't remember what
21 size it was.

22 Q. Where do they keep those pumps normally when
23 they're not using them?

24 A. On the pontoons up in there a little bit.

25 EXAMINATION

1 BY MS. MONFORTON:

2 Q. Just one question. Where are you working now?

3 A. UBB.

4 Q. You're at UBB. Thank you.

5 RE-EXAMINATION

6 BY MR. FARLEY:

7 Q. What are you doing at UBB now?

8 A. Work on mantrips.

9 Q. Okay. Excuse me. If you take a look at this map,
10 you'll --- if you look at the ventilation and the
11 apparatus here in the headgate entries adjacent to the
12 longwall, and you got return air in the Number Four
13 and Five entries coming off the miner sections. Now,
14 in the One, Two and Three longwall entries you see
15 check curtains.

16 A. Yeah, all across through there.

17 Q. Okay. Whenever you were in that area, were the
18 check curtains always bowed toward the gob area in the
19 inby direction?

20 A. Yeah.

21 Q. Did you ever see them flapping in the opposite
22 direction?

23 A. No.

24 Q. Okay. The map also shows a set of doors over here
25 between the Number Four and Five entries. As of your

1 last shift, were those doors still there?

2 A. I'd never been over to them, so I wouldn't ---
3 couldn't be able to tell you.

4 Q. Okay. Also, you indicated you were aware that
5 some explosives had been used from time to time when
6 it was too wide for them to cut out. Do you know
7 where they kept the explosives?

8 A. No. I guess outside. They'd bring them or
9 whatever. I have no idea.

10 Q. Any idea that they might've kept them underground
11 anywhere?

12 A. No.

13 Q. Okay. All right.

14 A. Yeah, I don't know where that wide spot would be.

15 Q. Okay. All right. Since the explosion on April
16 5th have you been interviewed by anyone else about
17 this accident?

18 A. Just I guess Massey lawyers.

19 Q. Okay. When was that interview?

20 A. Probably about a month ago.

21 Q. About a month ago?

22 A. (Indicates yes.)

23 Q. Okay. Was that interview before you got your
24 subpoena?

25 A. Yes.

1 Q. Okay. Were you asked about the same issues by
2 them as you have been by us?

3 A. Pretty much confidential. I mean you all --- I
4 can't say nothing what you all said. I ain't going to
5 say nothing what they say, but somewhat similar.

6 Q. Okay. Did they ask you to keep contents of your
7 interview with them confidential?

8 A. Right.

9 Q. Okay. Did they tell you that they were
10 representing you?

11 A. No.

12 Q. Okay.

13 MR. FARLEY:

14 Take a short, quick break and then finish
15 up?

16 SHORT BREAK TAKEN

17 RE-EXAMINATION

18 BY MR. MAGGARD:

19 Q. I was wanting to ask you, had you all recently had
20 to change out the methane monitor cable to one of the
21 sensor heads on the tail, the tail sensor head? Do
22 you recall having to change that cable or ---

23 A. No.

24 Q. --- work on that cable?

25 A. I didn't have nothing to do with it. I don't know

1 if it was the other crew or which crew it was, but I
2 don't recall.

3 Q. Okay. You never noticed it being replaced or
4 anything ---

5 A. No.

6 Q. --- notice a new shiny cable down the trough?

7 A. No, I don't think there's nothing shiny for a long
8 time.

9 Q. Okay. Did you ever do any work on the automatic
10 chain tensioner or been down there recently and looked
11 at it or ---?

12 A. No. I've had to take the slack out of the chain.

13 Q. How would you do that?

14 A. Come-alongs, torch. Well, they had, like, I guess
15 it's a ACT, where they'd get it and work it back, and
16 I'd have to do all the manual labor.

17 Q. Okay. Were they using the ACT, or were they using
18 the manual valves for the chain tensioner?

19 A. I'm wanting to say the manual valves.

20 Q. Okay. And did they have power on the box?

21 A. I don't know if they did or not. Somebody would
22 have to go to the tail every time, so I would say they
23 was on the manuals.

24 Q. Okay. As far as --- did you ever work on any
25 lighting circuits or any of the shield control valves,

1 solenoids or ---?

2 A. Yeah, I have.

3 Q. Okay. What kind of work did you do?

4 A. Like, changing solenoids or fittings and 90s
5 O-rings.

6 Q. Okay.

7 A. Like I say, once we got called up, we would help
8 them guys, because they got 176 shields and probably
9 over --- I'd say over 150 working components on each
10 one.

11 Q. The solenoids, were they different types or ---?

12 A. Yeah, they just had a little plug plugged in them.

13 Q. Okay. Were they different manufacturers made them
14 or ---?

15 A. By Joy.

16 Q. Joy?

17 A. Yeah.

18 Q. Okay. As far as the lights go, did you have to
19 make any kind of splices on the lighting circuits or
20 any kind of repairs to the bulbs or anything like
21 that?

22 A. Now, they've had to fix some bolts. They go
23 through and knock them off or they'd bust one.

24 Q. Would you normally --- what would you do? Would
25 you tape them up or what would you --- what would you

1 do with them?

2 A. Well, they would bring ---. If they had just
3 regular bulbs, they'd come out and take them apart and
4 put the bulbs in them, or if not, they'd just bring a
5 whole lighting unit.

6 Q. When they fell like that, would they lens crack
7 or ---?

8 A. No, just shatter the bulbs.

9 Q. Okay.

10 A. They had a pretty good --- they had some kind of
11 safety lens on that.

12 Q. Yeah. But if you had one cracked, would you tape
13 it or ---?

14 A. Yeah, we'd change it out or --- no, we would
15 change that.

16 Q. You would normally change it out or all the time,
17 every time?

18 A. Every time if something like that was broke.

19 MR. MAGGARD:

20 Okay. That's all I got.

21 ATTORNEY BAXTER:

22 Okay. On behalf of MSHA and the Office
23 of Miners' Health, Safety and Training, I want to
24 thank you for appearing and answering questions today.
25 Your cooperation is very important to the

1 investigation as we work to determine the cause of the
2 accident. We request that you not discuss your
3 testimony with any person aside from your personal
4 representative. After questioning other witnesses, we
5 may call you if we have any follow-up questions.

6 If at any time you have additional
7 information regarding the accident that you'd like to
8 provide to us, please contact us at the contact
9 information that was previously provided to you. If
10 you wish, you may now go back over any answer you've
11 given during this interview. You may also make any
12 statement that you'd like to make at this time.

13 A. Need more coffee next time.

14 ATTORNEY BAXTER:

15 Duly noted. Again, I want to thank you
16 for your cooperation.

17 * * * * *

18 STATEMENT UNDER OATH CONCLUDED AT 8:57 P.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Alison Salyards, a Notary Public in and for the State of West Virginia, do hereby certify: That the witness whose testimony appears in the foregoing deposition, was duly sworn by me on said date and that the transcribed deposition of said witness is a true record of the testimony given by said witness; That the proceeding is herein recorded fully and accurately; That I am neither attorney nor counsel for, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.



Alison Salyards