

STATEMENT UNDER OATH
OF
HARRISON TYRONE COLEMAN

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia on
Monday, February 21, 2006, at 1:47
p.m.

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A P P E A R A N C E S

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1 A P P E A R A N C E S (cont.)

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me here is Tim Williams of the Solicitor's Office, John Collins and Brian Mills with the West Virginia Office of Miners' Health, Safety and Training.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to
2 determine the cause of the
3 accident. And these
4 interviews are an important
5 part of the investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident.

12 After the investigation
13 is completed, MSHA will issue
14 a written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future.

23 Information obtained
24 through witness interviews is
25 frequently included in those

1 reports. Your statement may
2 also be used in other
3 enforcement proceedings.

4 I would like to thank
5 you in advance for your
6 appearance here today. We
7 appreciate your assistance in
8 this investigation. The
9 willingness of miners and mine
10 operators to work with us is
11 critical to our goal of making
12 the nation's mines safer.

13 We understand the
14 difficulty for you in
15 discussing the events that
16 took place and we greatly
17 appreciate your efforts to
18 help us understand what
19 happened.

20 This interview with Mr.
21 Tyrone Coleman is being
22 conducted under Section 103(a)
23 of the Federal Mine Safety &
24 Health Act of 1977 as part of
25 an investigation by the Mine

1 Safety and Health
2 Administration and the West
3 Virginia Office of Miners'
4 Health, Safety & Training into
5 the conditions, events and
6 circumstances surrounding the
7 fatalities that occurred at
8 the Sago Mine, owned by
9 International Coal Group in
10 Buckhannon, West Virginia, on
11 January 2nd, 2006. This
12 interview is being conducted
13 at the U.S. Bankruptcy Court
14 in Clarksburg, West Virginia
15 on February 21st, 2006.

16 Questioning will be
17 conducted by representatives
18 of MSHA and the Office of
19 Miners' Health, Safety &
20 Training.

21 Mr. Coleman, this
22 interview will begin by my
23 asking a series of questions.
24 If you do not understand a
25 question, please ask me to

1 rephrase it. Feel free at any
2 time to clarify any statements
3 that you make in response to
4 the questions. After we have
5 finished asking questions, you
6 will also be given an
7 opportunity to make a
8 statement and provide us with
9 any other information that you
10 believe may be important.

11 If at any time after
12 the interview, you recall any
13 additional information that
14 you believe may be useful in
15 the investigation, please
16 contact Richard Gates at the
17 phone number and e-mail
18 address provided to you. And
19 here is his business card with
20 that information.

21 MR. COLEMAN:

22 Thank you.

23 MR. SWENTOSKY:

24 Your statement is
25 completely voluntary. You may

1 refuse to answer any question,
2 or you may choose to terminate
3 the interview at any time. If
4 you need a break at any time,
5 just let me know.

6 The court reporter will
7 record your interview and will
8 later produce a written
9 transcript of the interview.
10 Please try and respond to all
11 questions verbally since the
12 court reporter cannot record
13 non-verbal responses. Also
14 please try to keep your voice
15 up. Copies of the written
16 transcripts will be available
17 at a later date.

18 If any part of your
19 statement is based not on your
20 own first-hand knowledge, but
21 on information that you
22 learned from someone else,
23 please let us know. Please
24 answer each question as fully
25 as you can, including any

1 information that you have
2 learned from someone else.

3 We may not ask the
4 right questions to learn the
5 information that you have, so
6 do not feel limited by the
7 precise question asked. If
8 you have information about the
9 subject area of a question,
10 provide us with that
11 information.

12 At this time, Mr.
13 Collins, do you have anything
14 you would like to add on
15 behalf of the Office of
16 Miners' Health, Safety &
17 Training?

18 MR. COLLINS:

19 Yes. Mr. Coleman, the
20 West Virginia Office of
21 Miners' Health, Safety &
22 Training is conducting this
23 interview session jointly with
24 MSHA and are in agreement with
25 the procedures outlined by Mr.

1 Swentosky for the interviews
2 being conducted here today.

3 But the Director
4 reserves the right, if
5 necessary, to call or subpoena
6 witnesses or require the
7 production of any record,
8 document, photographs or other
9 relevant materials necessary
10 to conduct this investigation.
11 After the interview, if
12 there's additional questions
13 or you'd like to provide
14 information, here's a card for
15 Mr. Brian Mills.

16 MR. COLEMAN:

17 Thank you.

18 MR. COLLINS:

19 Thank you, Mr. Coleman.

20 MR. SWENTOSKY:

21 Mr. Coleman, are you
22 aware that you may have a
23 personal representative during
24 the taking of this statement?

25 MR. COLEMAN:

1 Yes, sir, and I do.

2 MR. SWENTOSKY:

3 And who might that be?

4 MR. COLEMAN:

5 Mr. Marco Rajkovich, my
6 attorney.

7 ATTORNEY RAJKOVICH:

8 Let me just state for
9 the record, too. Mr. Coleman
10 is here in his individual
11 capacity today to testify to
12 any facts he knows, but he is
13 not authorized on behalf of
14 the company to speak for the
15 company.

16 MR. SWENTOSKY:

17 Has anyone suggested to
18 you that you use this
19 representative?

20 MR. COLEMAN:

21 Myself.

22 MR. SWENTOSKY:

23 Okay. Are you aware
24 that the representative may
25 have a conflict of interest in

1 representing you while being
2 provided by someone else, such
3 as the company?

4 MR. COLEMAN:

5 I see no conflict.

6 MR. SWENTOSKY:

7 Okay. Have you been
8 pressured in any way to accept
9 this person as your
10 representative?

11 MR. COLEMAN:

12 No.

13 MR. SWENTOSKY:

14 With that
15 understanding, do you still
16 choose to have this person as
17 your representative?

18 MR. COLEMAN:

19 Most certainly.

20 MR. SWENTOSKY:

21 Do you have any
22 questions in regard to the
23 manner in which the interview
24 will be conducted before we
25 get started?

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MR. COLEMAN:

Not at this time.

MR. SWENTOSKY:

Okay. Could you swear
in Mr. Coleman, please?

HARRISON TYRONE COLEMAN, HAVING FIRST
BEEN DULY SWORN, TESTIFIED AS
FOLLOWS:

ATTORNEY RAJKOVICH:

I just assume, too,
everybody in the room is in
the investigation team?

ATTORNEY WILLIAMS:

That's correct.

MR. MILLS:

That's correct.

ATTORNEY RAJKOVICH:

Thank you.

BY MR. SWENTOSKY:

Q. Could you please state your
full name and spell your last name
for us, please?

A. Harrison Tyrone Coleman,

1 C-O-L-E-M-A-N.

2 Q. And could you give us your
3 address and telephone number, please?

4 A. My address is Route 10, Box
5 394, Buckhannon, West Virginia 26201.
6 I would rather not give you my phone
7 number.

8 Q. Okay.

9 ATTORNEY WILLIAMS:

10 This is your business,
11 is that right?

12 A. Yes.

13 ATTORNEY WILLIAMS:

14 Can we go off the
15 record a second?

16 OFF RECORD DISCUSSION

17 BY MR. SWENTOSKY:

18 Q. Are you appearing here
19 voluntarily today?

20 A. Yes, sir.

21 Q. And do you have a business
22 card or some information?

23 A. Yes, sir. It's got my
24 business contact information.

25 Q. Okay. Thank you.

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MR. SWENTOSKY:

We'll call that Exhibit
One.

(Coleman Exhibit Number
One marked for
identification.)

BY MR. SWENTOSKY:

Q. And could you give a brief
description of your coal mine
employment history, please?

A. I started in the mining
industry in 1978 with the United
States Steel Corporation while I was
still in high school. I worked as a
miner 1978 through 1989 at various
positions, hourly and salary,
production, construction and with an
emphasis on health, safety and
training.

1989 I took a position as mine
safety instructor with the State of
West Virginia Department of Energy,
which is now the West Virginia Office
of Miners' Health, Safety & Training.
And throughout my mining career, I

1 was a mine rescue team member, mine
2 rescue team trainer. And with the
3 state, I was a mine rescue team
4 trainer and assisted with mine
5 emergency operations. And I have a
6 background in mining education and
7 training. Currently hold various
8 mining certifications and licenses.

9 Q. Okay.

10 A. For ICG, I'm the manager of
11 safety for West Virginia and
12 Maryland.

13 Q. And that was my next question,
14 what is your present position. Okay.
15 And just for the record, what is the
16 name of the company you're employed
17 by?

18 A. International Coal Group.

19 Q. Okay. And that's the full
20 name of the company?

21 A. To the best of my knowledge.

22 Q. Okay. Sounds good. And
23 again, how long have you worked in
24 your present position?

25 A. Since July 27th, 2005.

1 Q. And you've been associated
2 with the Sago Mine since that date?

3 A. Yes, sir, along with others
4 within the division as well.

5 Q. Okay. And could you kind of
6 just describe your normal job duties?

7 A. My emphasis is to manage the
8 safety program for ICG, along with
9 the existing program that was there
10 prior to ICG taking over. I set up
11 education and training classes,
12 conduct education and training
13 classes, along with certification
14 training classes, EMT, mine foreman,
15 shot fires, such as that.

16 Q. Okay. And what other mine are
17 you associated with in your position?

18 A. Sycamore, Sycamore II,
19 Imperial, Sago, Sentinel, Sawmill
20 Prep Plant, Sentinel Prep Plant,
21 Vindex, Patriot, those are surface
22 mines. Stony, underground mine.
23 That's it so far.

24 Q. Okay. That's plenty. And did
25 you hold the same position on January

1 2nd, 2006, the day of the accident?

2 A. Yes, sir, I did.

3 Q. Okay. Did you work on the day
4 of the accident?

5 A. No, sir, I was off that day.

6 Q. Okay. And what I want to do
7 is ask you some questions concerning
8 the post-explosion activities.

9 A. Yes, sir.

10 Q. Okay. Can you tell us when
11 you first learned of the explosion at
12 the Sago Mine?

13 A. It was approximately 7:30 a.m.
14 or thereabouts to the best of my
15 knowledge. Jerry Waters come to my
16 residence and notified me that there
17 was a --- they hadn't been able to
18 get in touch with the underground
19 crew.

20 Q. Okay. And who is Jerry
21 Waters?

22 A. He is our purchasing director.

23 Q. And when you say purchasing
24 director, is that for Sago Mine or is
25 that for the company or ---?

1 A. I don't know.

2 Q. Okay. And what information
3 did he give you at your residence?

4 A. It was really very sketchy.
5 He said that there was --- something
6 happened at Sago and I needed to get
7 there and see what's what. They was
8 unable to get ahold of the men
9 underground.

10 Q. Okay. And to your knowledge,
11 did they try your phone at your
12 residence or ---?

13 A. I don't know. There was a ---
14 I didn't get any calls. My beeper
15 and cell didn't go off. But there
16 was a huge storm that morning, so I
17 don't know if that had anything to do
18 with it or not. But he came and
19 knocked on my door.

20 Q. Starting when you first
21 learned of the explosion, can you
22 tell us as much as you can remember
23 about the activities and follow
24 through until the time the rescue
25 efforts were completed. Just kind of

1 give us a little description.

2 A. En route, I called Johnny
3 Stemple, who is my assistant, and
4 told him to go ahead and activate ---
5 put the mine rescue teams on standby.
6 He said he had already done so. And
7 I called the mines while en route.
8 I'm probably 20 minutes away from my
9 residence to Sago, plus or minus ten
10 minutes. I was trying to get
11 information while I was going.

12 I had contacted the mines and
13 they said that some of the
14 supervisors had went underground to
15 ascertain why they couldn't
16 communicate, you know, with the men.

17 And when I arrived at the mine
18 site, the men had already gotten out.
19 And basically they said that they
20 felt pressure and some sort of a ---
21 they said there was some debris. It
22 sounded like they experienced some
23 sort of blast or percussion or
24 concussion.

25 Got on the mine phone and

1 couldn't get ahold of nobody. And
2 started notifying the state and MSHA.
3 And in fact, I had told John Stemple
4 to do that, and he had some
5 difficulty because it was a holiday,
6 but they had already called and left
7 numbers.

8 And the first mine rescue team
9 that got on site was Barbour County.
10 MSHA had --- Johnny had informed me
11 that MSHA had issued a verbal (k)
12 order. Johnny Stemple. I don't
13 remember which inspector it was who
14 said we was under a (k) at that time.

15 Then they started arriving.
16 And we started, you know, just
17 working the rescue. When the backup
18 teams got there, you know, we started
19 monitoring the fan --- excuse me, the
20 return, because it's a blow-in
21 system, and monitoring constituent
22 levels and just started getting
23 resources to come that way.

24 And we was waiting to see what
25 type of --- what the constituents

1 were going to do as far as go up, go
2 down, what the case may be, because
3 we didn't know what we was going to
4 have.

5 Then when they got outside and
6 surfaced, Jeff Toler, Al Schoonover,
7 Owen Jones, I think there was maybe
8 one or two more, but that's what I
9 can remember, and they said that, you
10 know, they had gotten to as far as 58
11 block and had encountered smoke and
12 debris. And at that time, they
13 elected to withdraw and we started
14 working rescue.

15 Q. Okay. I wanted to started
16 back again and start filling in ---

17 A. Sure.

18 Q. --- some blanks that I might
19 have and as we go through. So then
20 when you --- after Mr. Waters had
21 notified you at home, then did you
22 make any calls before you left your
23 residence?

24 A. No. I did everything en
25 route.

1 Q. Okay. And the first person
2 that you called was who?

3 A. John Stemple.

4 Q. John Stemple. And ---.

5 A. Because Johnny --- the reason
6 why, because Jerry said for me to
7 call Johnny. And I called him and he
8 had --- I don't remember who he had
9 talked to, but said that they ---
10 said the outside man said that he
11 couldn't get ahold of them and that
12 the power had knocked. And that he
13 had --- because I had told John to
14 stay at home and just start getting
15 resources coming that way. And I
16 told him to keep a timeline because I
17 was going to work the rescue and be
18 the hands-on part.

19 Q. Okay.

20 A. And I'm glad I did that, too,
21 because he was more productive there.

22 Q. Okay. So then you --- on your
23 travels to the mine, you talked to
24 Mr. Stemple, as you just described.
25 Did you make any additional calls

1 while en route to the mine?

2 A. I'm sure I did, but I called
3 --- I called so many different people
4 just to say, hey, look, give you a
5 heads up, we may have an event. Then
6 we got --- there was a time there
7 when early on when we had trouble
8 getting there, getting information to
9 the mines because everybody was
10 calling in and calling out.

11 Q. Okay. Just on your route to
12 the mine in your vehicle, Mr. Stemple
13 and you don't recall who else you
14 might have called?

15 A. I called Chuck Dunbar, just to
16 give him a heads up and he said he
17 was either almost there or there, one
18 of the two.

19 Q. So he was already aware of the
20 situation when you spoke to him?

21 A. Well, I don't know how much
22 aware he was, but he knew we had an
23 event.

24 Q. Event, okay.

25 A. Something happened.

1 Q. Okay. He was going to the
2 mine because of the ---

3 A. Yes.

4 Q. --- whatever situation it was?

5 A. Yes.

6 Q. Okay. And approximately what
7 time did you leave home? Do you
8 recall?

9 A. To the best of my knowledge,
10 I'm going to say maybe five or ten
11 minutes, 7:35, 7:40.

12 Q. Okay. I understand.

13 A. I just threw my clothes on and
14 went straight out the door.

15 Q. And after you had spoken to
16 Mr. Dunbar then, do you recall any
17 other phone calls that you made
18 before getting to the mine?

19 A. No, sir, not right off I
20 don't.

21 Q. Okay. And who did you speak
22 to first when you arrived at the
23 mine?

24 A. I don't remember who first. I
25 know Carl Crumrine, the outside guy.

1 I mean, ---.

2 Q. Okay. Do you recall what time
3 you did arrive at the mine?

4 A. Not specifically, but it's a
5 20-minute drive, because I was
6 concentrated on getting resources ---

7 Q. Sure.

8 A. --- and getting people to come
9 that way.

10 Q. Sure. I understand.

11 A. After I called Mr. Dunbar ---
12 I want to back up a little bit.

13 Q. Sure.

14 A. I had called Raymond Coleman,
15 who's the production coordinator ---
16 he lives in Pocahontas County --- to
17 start to head that way.

18 Q. And Raymond Coleman, you say
19 production ---

20 A. Coordinator.

21 Q. --- coordinator. Is that for
22 just Sago Mine or for the company?

23 A. He's over that division.

24 Q. Okay.

25 A. He's my counterpart.

1 Q. Okay.

2 ATTORNEY WILLIAMS:

3 You said division a few
4 times. I wanted to be clear.
5 Are you talking about Maryland
6 and West Virginia, that
7 division?

8 A. No. No, sir. The Buckhannon
9 division is made up, at that time, of
10 Sago, Sycamore, Sentinel and the two
11 plants. At that time.

12 BY MR. SWENTOSKY:

13 Q. That was on the day of the
14 accident?

15 A. Yes, sir.

16 Q. Okay. And when you referred
17 previously to division, that's what
18 you ---

19 A. Yes, sir.

20 Q. --- meant by division?

21 A. Yes, sir.

22 Q. Okay. And Mr. Raymond
23 Coleman, he is the production manager
24 for that division ---

25 A. Yes.

1 Q. --- that you've just
2 described?

3 A. Yes.

4 Q. Okay. And did you notify
5 MSHA?

6 A. Did I? No. I didn't because
7 John Stemple had said that he had
8 taken care of that.

9 Q. Okay. Did he say who he
10 notified?

11 A. Sir, if he did, I don't
12 remember, because I just said, you
13 know, make sure that the notification
14 gets taken care of.

15 Q. Did he notify the state?

16 A. I was told that he did.

17 Q. Okay. And do you know who he
18 notified for the state?

19 A. No, sir.

20 Q. Okay.

21 A. At that time, I was focused on
22 ascertaining what the event was and
23 the people.

24 Q. Yes. And I do realize all
25 that, but you know I'm just trying to

1 - - -

2 A. Yes, sir.

3 Q. - - - find out if you recall the
4 certain events.

5 A. Yes.

6 Q. I just like to check at least.
7 Okay.

8 So you don't know who in those
9 two agencies, MSHA and the state,
10 that he - - - that Mr. Stemple
11 notified?

12 A. No, sir.

13 Q. Okay. And would you happen to
14 know whether he notified MSHA or the
15 state - - - do you know approximately
16 what time he did that?

17 A. No, sir. I mean, I spoke to
18 him from - - - between 7:35, 7:40 'til
19 I arrived at the mine several
20 different times.

21 Q. So it was done before 7:40
22 when you arrived at the mine, okay.

23 A. I would think so.

24 Q. Yeah, if you said you did, so
25 it would be before that time; is that

1 correct?

2 A. He told me that he had.

3 Q. Okay. Good enough. Just let
4 me ask you one more question about
5 that. When he, Mr. Stemple, said
6 that he notified, did he specifically
7 say he did or did he have someone do
8 it, or do you know?

9 A. I'm trying to think of the
10 correct verbiage. He said either ---
11 I said, the notices is out? He said,
12 yeah, the state and feds and that's
13 ---.

14 Q. Okay. That's good enough.
15 Thank you. Okay. When you arrived
16 at the mine and you thought you might
17 have spoken to Mr. Crumrine, but just
18 --- did you talk to the dispatcher at
19 all or go to the dispatcher's office
20 at any point?

21 A. I had a mine phone --- just
22 when I went right into the door.
23 There was a mine phone in the
24 superintendent's office.

25 Q. Okay.

1 A. And I mean, I could hear them
2 --- I could hear them calling inside.

3 Q. Okay. Is that the first
4 office you went to?

5 A. Yes, sir.

6 Q. The superintendent's office?

7 A. Yeah, just right when you come
8 in the door, it's there, it's got the
9 phone and all.

10 Q. Okay. And who did --- did you
11 speak to Mr. Toler in there or was he
12 outside yet?

13 A. He wasn't outside yet.

14 Q. Okay.

15 A. I don't --- well, I don't
16 believe he was. He wasn't in the
17 office.

18 Q. Okay. And did the --- did you
19 speak to the dispatcher at all?

20 A. Not initially.

21 Q. Okay. When you got to the
22 mine then, you went into the --- Mr.
23 Toler's office there. And then what
24 did you do next?

25 A. By that time, I was just there

1 just a few minutes when --- I'm
2 trying to think who the federal man
3 was, because it wasn't no time, they
4 was there. I mean, I don't remember.
5 I'm sorry.

6 Q. Okay. Well, maybe start at
7 the first thing that you recall after
8 arriving at the mine.

9 A. All right. Well, I'd been
10 there a few minutes and that's when
11 Jeff and Al had come back from
12 underground and that's when they
13 started briefing me on what they had
14 encountered.

15 Q. Okay. Up to that point
16 though, had you been relayed any
17 information concerning any CO alerts
18 and alarms that morning?

19 A. Yes, Jerry --- when I had ---
20 I had talked to --- when Jerry had
21 talked to me originally, he said that
22 he couldn't contact them underground,
23 that Owen Jones --- he said Owen
24 Jones had called out and he believed
25 that there had been some kind of an

1 explosion. And he said that the ---
2 I don't know if he said that the CO
3 monitor was going off then or when I
4 got there, I forget who it was that
5 told me that it was --- that it had
6 went off. But the people was already
7 --- was outside.

8 Q. Okay.

9 A. I don't remember.

10 Q. Okay. And when you were just
11 speaking about Jerry telling you this
12 information, you were speaking ---
13 you had gone back to where you were
14 contacted at home that he told you
15 this?

16 A. Yes.

17 Q. Okay. So then when you got
18 --- and then going back now to where
19 we were at the mine and you were ---
20 at that point there, when was the
21 first time that anyone had related to
22 you any CO alert or alarm levels or
23 spoke to you about that?

24 A. I mean, I knew we had CO
25 because I was talking to, you know,

1 Jeff and Al and they said, you know,
2 that they had smoke, so ---.

3 Q. Well, before they came outside
4 --- or how long were you at the mine
5 before you spoke to Mr. Toler or Mr.
6 Wilfong or the office?

7 A. Just a few minutes.

8 Q. Just a few minutes?

9 A. Yeah. I don't know how many
10 but ---. Because after that it
11 wasn't --- it was in short order that
12 MSHA was there and I don't remember
13 who the first MSHA guy was.

14 Q. All right. Did you ever go up
15 to the dispatcher's office that
16 morning?

17 A. That morning? No.

18 Q. Did you ever become aware of
19 any CO levels the morning of the
20 accident, that is in parts per
21 million?

22 A. Just when --- you said in the
23 morning. When we started monitoring
24 the return, I mean ---.

25 Q. Okay. Prior to that?

1 A. No.

2 Q. Okay. So the next thing you
3 recall was speaking to Mr. Toler and
4 Mr. Wilfong (sic) and after they
5 exited the mine; is that correct?

6 A. Yeah. Just telling me what
7 they encountered.

8 Q. Okay. And what did they
9 relate to you?

10 A. You know, smoke, debris. They
11 had tried to take the air up with
12 them as far as doing some impromptu
13 ventilation work and they hit smoke
14 and they withdrew.

15 Q. And what else?

16 A. You know, they started asking
17 me do we have mine rescue teams on
18 the way. And I said yes. And you
19 know, we had resources coming that
20 way to effect a rescue effort.

21 Q. Okay. Did you personally
22 check or were you notified of any CO
23 system readings and make any decision
24 based on those readings?

25 A. At which time?

1 Q. Let's start with the morning
2 or the accident.

3 A. No.

4 Q. Were you involved in any way
5 of the monitoring of the gases at the
6 mine?

7 A. Now, we're speaking of the
8 morning of the accident?

9 Q. Yes. Yes.

10 A. I was in the command center
11 and we was --- you know, we put the
12 people in place to monitor the return
13 and started off with, you know,
14 hand-held instruments.

15 Q. Okay. And what instruments
16 were you using --- did you have the
17 people use?

18 A. Well, the instruments that
19 they have there on the site is a
20 multi-gas, it's CO/O2 and methane and
21 they're Industrial Scientific iTX
22 (sic) 310s and 311s.

23 Q. Okay. And at what time did
24 you have persons and who did you have
25 monitor the return?

1 A. Just we assigned --- I don't
2 know names because like I said, I
3 haven't worked with them individual
4 that much, because I mean, I just
5 told Crumrine, you know, we need to
6 monitor and get the information back
7 up there so we know what we got.
8 Nobody goes in the mines.

9 Q. Okay. At that time, did you
10 know --- was there a (k) order on the
11 mine?

12 A. I don't remember, because it
13 was real close. It was either just
14 before or right after.

15 Q. Okay. And when the
16 individuals, whoever they were, went
17 to monitor or check the return for CO
18 and the methane and oxygen, what did
19 you --- what were the results?

20 A. Well, the CO was --- we did
21 have CO levels, but I don't remember
22 the specific levels. I know at no
23 time during the rescue did it go over
24 2,300 parts per million. So
25 initially, you know, it was anywheres

1 from --- you know, from ---.

2 Q. Did you happen to speak with
3 any of the individuals that conducted
4 any of those readings?

5 A. Carl Crumrine had took some of
6 the tests with his instrument, but I
7 --- that was either, like, for a
8 backup or something.

9 Q. And what was his readings?

10 A. I don't remember specifically,
11 but it was --- it was above 50 parts
12 per million because it was alarming.

13 Q. Okay. And after you spoke
14 with Mr. Toler and Mr. Schoonover,
15 and at that point here, then you ---
16 did you set up the command center
17 then?

18 A. Yeah.

19 Q. Or who set the command center
20 up? Did you start that ---

21 A. Yes.

22 Q. --- setting up of that command
23 center?

24 A. Yes, setting up the command
25 center, assigning positions, posting

1 the guards. Just basically, you
2 know, implemented our mine emergency
3 plan.

4 Q. And what positions did you
5 assign?

6 A. You know, monitoring the mine
7 entrances, placing guards, you know,
8 at the gate. Make sure that we got,
9 you know, the communications there in
10 the superintendent's office, brought
11 us some extra chairs, put a place for
12 engineering to set up.

13 Q. Okay. And I believe you said
14 already that the mine rescue teams
15 had been notified?

16 A. Yes, sir.

17 Q. And did you say Mr. Stemple
18 did that?

19 A. Yes, sir.

20 Q. And did he tell you what team
21 that he notified?

22 A. Barbour County was the first.

23 Q. Okay. And what was the second
24 team notified and who did that? Just
25 tell me about the events, the rescue

1 teams' notification and just lead me
2 through that if you would, please.

3 A. Barbour County, you know, it's
4 part of 49 Station so that's two
5 teams. And you know, we contacted
6 every team that, you know, we could
7 get ahold of. But as far as who and
8 what and when, you know, all total,
9 we had over 20-some teams there.

10 Q. Did you notify the police?

11 A. I didn't.

12 Q. You didn't?

13 A. No.

14 Q. Did anybody?

15 A. I don't know.

16 Q. Well, if you don't know, you
17 don't know how they were notified or
18 anything. Were they there?

19 A. Yes, but I can't tell you
20 when.

21 Q. Okay. Did you notify the
22 emergency medical service?

23 A. I didn't, but they were there.

24 Q. It was done. And who did
25 that?

1 A. I don't know.

2 Q. Okay. After you set up the
3 command center and --- wait a minute,
4 let me back up a second. When you
5 arrived at the mine, were the
6 telephones inoperative at that point
7 or do you know anything about the
8 telephones, the pager phones?

9 A. You're talking about the mine
10 phone, sir?

11 Q. Excuse me, I did say mine
12 phone --- pager phone. The
13 telephones, the Bell phones, were
14 they ever inoperative at any point
15 that you can recall?

16 A. You're speaking of the mine
17 phones?

18 Q. Yes.

19 A. The commercial phones?

20 Q. The commercial phones, yes.

21 A. Okay. I know of no time that
22 they were inoperative.

23 Q. Okay.

24 A. Now, there was --- I had
25 trouble sometimes getting in because

1 there was, you know, congested, but
2 not inoperative.

3 Q. Okay. And was the power to
4 the outside off before or after the
5 event even if only for a brief time,
6 the power outside, on the surface?

7 Yeah.

8 A. The power underground was ---
9 it knocked.

10 Q. Okay.

11 A. Because that was one of the
12 reasons why they initiated --- the
13 outside man said power had knocked
14 and he couldn't get ahold of the
15 crews.

16 Q. How about the surface power,
17 on the surface, was it ever off at
18 any point?

19 A. Not that I'm aware of, sir.

20 Q. Okay.

21 A. Of the 52 hours that I was at
22 the command center, the lights never
23 went off.

24 Q. Okay. And you did not notify
25 any mine rescue teams. Other person

1 that work for you did that?

2 A. Yes, sir.

3 Q. Okay. And did you happen to
4 have any involvement in drilling the
5 boreholes into the mine?

6 A. I don't understand what you
7 mean by involvement. I talked to the
8 engineer, and as far as from a rescue
9 point, as far as, you know, where
10 would the best place be, where they'd
11 most likely be, I had discussion and
12 input pursuant to that.

13 Q. Okay. And so you're talking
14 about the selection of the location
15 of the hole, that's what you had ---?

16 A. On the mine map.

17 Q. Yes.

18 A. Yes, sir.

19 Q. Okay. Tell me a little bit
20 about that. What were the reasonings
21 behind the selection of the position
22 and you know, just kind of take me
23 through that, how you and others
24 decided that that would be the place
25 to put the hole.

1 A. Well, one we wanted to, you
2 know, get to the area that we thought
3 where they were at in hopes of maybe
4 of communicating or supplying air and
5 we put a camera down to look for ---
6 you know, we took constituent levels
7 and we put a camera down to check for
8 blast damage. And I didn't get to
9 look at the camera footage, but the
10 person, you know, called me on the
11 phone and said, you know, that the
12 cable were hung in a workman-like
13 fashion and you could see the rock
14 dust and the buggy on the feeder.

15 Q. Okay. And I guess what I'm
16 really asking is how was the
17 selection of that hole determined? I
18 mean, was that location selected?

19 A. That's where they was
20 assigned, their work location, and we
21 wanted to know why weren't they
22 coming out. Was there --- did we
23 have a fire? Did we --- you know,
24 what kind of CO levels would we get,
25 what kind of constituent levels would

1 we get.

2 Q. Okay. And the drilling
3 company, who was involved in the
4 selection of the drilling company?

5 A. Our chief engineer handled
6 that. Well, the engineering
7 department had input on it. I don't
8 know, sir.

9 Q. Did you have any input in that
10 selection of the drilling company?

11 A. No, sir, I would have let you
12 drill the hole if you'd been there.

13 Q. Okay. And do you know --- do
14 you happen to know why --- or how and
15 why the selection of that particular
16 drill company was made?

17 A. No, sir.

18 Q. Okay. Were there other drill
19 companies that contacted you, and I
20 say you meaning, you know, the
21 company, with offering their
22 services?

23 A. Sir, there was --- I don't
24 remember a specific company, but I
25 know that I had people come to me and

1 says, well, this one --- you know,
2 there was like one or two had called
3 and you know, engineering was
4 handling that because of the size of
5 the drill, you know, where it was
6 located and such that was taken into
7 consideration.

8 Q. And do you recall whether or
9 not there were any logistical
10 problems encountered prior to
11 starting the drilling?

12 A. You know, not specifically.
13 You know, I had asked for, you know,
14 mobe times, when they was going to
15 mobilize and were out and stuff like
16 that. But as far as logistical
17 problems, I'm not aware of any.

18 Q. Okay. Did they have any
19 problem with like the road or getting
20 the road through or anything like
21 that, do you recall?

22 A. I don't --- I won't refer to
23 it as a problem. We had to do the
24 engineering to find where point A is
25 on the map versus point A on the

1 surface.

2 Q. Okay. And can you --- what
3 about the times and the dates that
4 those decisions were made, do you
5 recall any of those times and times
6 they started or anything like that at
7 all?

8 A. No, sir. And again, I'm not
9 trying to be evasive, but that ---
10 you know, that was 52 hours of trying
11 to get, you know, 13 people out. But
12 I'm sure that with everybody that was
13 there, it wouldn't be hard to get a
14 timeline.

15 Q. Were you involved at all in
16 any of the surveying of the borehole?

17 A. No, sir.

18 Q. Who was it that did that? Do
19 you recall?

20 A. That was --- that was handled
21 by Joe Andrews. He had told me who
22 the company was but I don't remember,
23 sir.

24 Q. The surveying was done by a
25 contractor?

1 A. Yes, sir.

2 Q. Okay.

3 A. All of our surveying is done
4 by outside contractors. Usually
5 either Alpha Engineering or Kenny
6 Moran. It's Moran Engineering,
7 something like that. Those are the
8 two that we usually use.

9 Q. Were you involved in
10 contacting those people at all?

11 A. No, sir, I was not.

12 Q. And who would have done that?

13 A. Joe Andrews, our chief
14 engineer.

15 Q. He's chief engineer for ICG?

16 A. He's the chief engineer for
17 the Buckhannon Division.

18 Q. Of ICG?

19 A. Yes, sir.

20 Q. Okay. And that division that
21 you're speaking about is the same one
22 we spoke about earlier?

23 A. Yes, sir. But to clarify, we
24 do provide services for two other
25 divisions on an as-needed basis.

1 Stony River, which is a deep mines
2 that's under the Vindex division.
3 And Vindex surface and Patriot
4 surface, I provide safety oversight
5 for.

6 Q. And did you know anything
7 about any kind of a problem that was
8 --- that had developed in locating a
9 hole concerning the GPS unit?

10 A. Not first hand.

11 Q. Okay. What about second hand?

12 A. Okay. I believe after --- I
13 believe there was an issue that Joe
14 had spoke of briefly that there was a
15 problem with a certain instrument
16 that one company or provider had
17 versus that of another, as far as
18 getting the survey tight enough.

19 Q. Okay. More or less the exact
20 location?

21 A. Yes.

22 Q. Okay. And you say Joe. That
23 would be Joe who?

24 A. Joe Myers, he chief engineer.

25 Q. And that's all you know about

1 that?

2 A. Yes, sir.

3 Q. And who made the final
4 decision to drill the borehole in Two
5 Left? Who would have made that
6 decision?

7 A. That was a --- we had input
8 from state and federal, but you know,
9 it was more or less mine and Joe
10 Myers' decision on where to --- and
11 we also had to take into
12 consideration some topography, ---

13 Q. Sure.

14 A. --- because out there where we
15 ended up putting it, it was more or
16 less on the end of a ridge or a
17 knoll. I mean, one side of the face
18 was just very abrupt and steep and
19 away from that, it was pasture land
20 but it was --- it sloped down
21 abruptly. So that caused some
22 problems.

23 Q. Okay. So those would be some
24 of the logistic problems that you
25 kind of ran into whenever ---

1 A. Yes, sir.

2 Q. --- which I had asked you
3 about earlier? Okay.

4 A. I had interpreted your
5 question as far as logistical
6 problems as far as it getting from
7 point A to point B. I didn't take
8 into consideration the topography.

9 Q. Okay. That's fine. So then
10 you and Mr. Myers, with the help of
11 the others in there, made the final
12 decision ---

13 A. Yes, sir.

14 Q. --- to put the hole where it
15 as located? Okay. And do you recall
16 when the survey for the hole was
17 completed?

18 A. No, sir, I do not.

19 Q. Do you recall when the road
20 toward the Two Left borehole was
21 started?

22 A. No, but it was shortly after
23 we got the survey tight.

24 Q. Okay. And when you say tight,
25 you mean the proper location?

1 A. Yes, sir.

2 Q. Okay. So you wouldn't know
3 when the or would you know when the
4 road to the borehole was completed?

5 A. No, sir, but I do know that we
6 already had the dozer there.

7 Q. Okay.

8 ATTORNEY RAJKOVICH:

9 Do you need a break or
10 anything? Do you need a break
11 or anything?

12 A. I'd like some water.

13 MR. SWENTOSKY:

14 All right. Let's take
15 a break. Off the record.

16 SHORT BREAK TAKEN

17 BY MR. SWENTOSKY:

18 Q. During the day of the
19 accident, did you take any notes or
20 any record, written record, of any
21 sort?

22 A. In the command center, kept a
23 log.

24 Q. Did you keep any personal
25 notes or anything?

1 A. No.

2 Q. No. Okay. So that would be
3 the company's command center log?

4 A. Yeah.

5 MR. MILLS:

6 You asked for that and
7 we sent the log.

8 ATTORNEY WILLIAMS:

9 We have asked you for
10 that, I think in our records
11 request; right?

12 A. Yes, sir.

13 BY MR. SWENTOSKY:

14 Q. And I did ask you about the
15 Bell phone and I guess you and I kind
16 of thought we were talking about the
17 other thing. But let me ask you this
18 now, the pager phones, at any times
19 were those inoperative during the
20 day?

21 A. The mine phone?

22 Q. Yes.

23 A. We had to change the one out
24 in the command center once.

25 Q. And do you recall when that

1 might have been?

2 A. It was during that first 42
3 hours.

4 Q. Okay. And was it a problem
5 with just your phone or was there a
6 problem with other phones? Just your
7 phone, I mean, the one in the command
8 center.

9 A. Just in the command center.
10 Dick Wilfong, he traded it out. Of
11 course, we had an extra one right
12 there. Just a matter of minutes.

13 Q. Okay. And you mentioned that
14 Raymond Coleman that you had spoken
15 to and you had just alerted him to
16 --- that there was a problem at the
17 mine?

18 A. Yes, sir, after I talked to
19 Chuck Dunbar.

20 Q. Right. And what was the
21 reason for notifying him?

22 A. That I wanted him there as a
23 resource, as I would my other
24 managers.

25 Q. Okay. And did he take --- was

1 he part of the command center
2 whenever he arrived?

3 A. No, sir, he was critical
4 support.

5 Q. What do you mean by critical
6 support?

7 A. If I needed something, he made
8 it happen.

9 Q. Because he was high enough up
10 in the company that he could make
11 those decisions, I guess, is that a
12 way of putting it?

13 A. Well, I mean, you know, he
14 knew the mines and he knew the
15 people. He knew what was on the
16 supply yard. He knew what rail
17 capabilities we had.

18 Q. Do you know when the power was
19 removed from underground?

20 A. Well, removed, sir, ---.

21 Q. De-energized?

22 A. Yeah, but it was my
23 understanding that the power was off,
24 knocked, a little after 6:30 a.m. and
25 we didn't re-energize it.

1 Q. Okay. Were you involved at
2 all with the activities at the
3 borehole at the location?

4 A. At what time, sir?

5 Q. Any time.

6 A. Yes, sir.

7 Q. What were those activities and
8 when was it?

9 A. Okay. My ---.

10 Q. And for clarification, we're
11 speaking about the Two Left borehole.

12 A. Okay. Now, I know --- I'm
13 trying to figure what number we call
14 that. I went there after the fact.

15 Q. After the fact, what do you
16 mean after the fact?

17 A. After the rescue effort.

18 Q. Okay.

19 A. Because for the --- before we
20 could go back --- well, no, I was ---
21 let me think, now. I was involved
22 with the boreholes as far as when I
23 went there physically. It was after
24 that 42, 45 hours, because I knew
25 that we couldn't get back, you know,

1 in there, until we got that two-foot
2 hole down.

3 Q. So that was after the borehole
4 was completed and they had put the
5 camera down?

6 A. Yeah, it was after the fact.

7 Q. Okay. And what was your
8 purpose there for again?

9 A. Just to get that two-foot hole
10 down, to make it happen.

11 Q. Okay. And what did you do to
12 make that happen by going to the
13 borehole site?

14 A. You know, everything that we
15 did was --- we had to modify the (k)
16 order. Everything as far as a rescue
17 and recovery effort was the
18 modification of the (k). And I would
19 have to have designed, and some
20 places I designed myself, the
21 modifications that would allow us to
22 do certain things.

23 Q. Okay. And so why did you
24 visit the borehole site then?

25 A. To see what I had. I mean, to

1 put provisions in place for safety
2 and to ensure the safety of the
3 contractors, to ensure the safety of
4 the people that's there. As far as
5 pipes, being able to, you know, vent
6 constituent levels out.

7 Q. Okay. And were you involved
8 with the decision to first send mine
9 rescue teams underground?

10 A. Yes.

11 Q. Okay. And based on everything
12 that you knew at the time, what did
13 you think happened in the mine and
14 where did the explosion come from?
15 At that time, what was your thought
16 process?

17 A. From what I was told and what
18 I could ascertain at that time, that
19 there had been some type of an
20 explosion. As far as from where and
21 from what, at that time, I didn't
22 have that information, and if I had a
23 mine fire or not.

24 Q. And was there a place that you
25 thought the explosion might have

1 occurred? I know you, of course,
2 didn't know. But in reviewing when
3 to send those teams underground, what
4 was your thought process at the time?

5 A. You know, my thought process
6 was that it probably originated from
7 the sealed area, because from what
8 they had said, the direction of the
9 blast and the debris, and I couldn't
10 think of no other place. But it was
11 --- you know, it was very --- it was
12 surprising.

13 Q. When you say what they told
14 you, who are you speaking about?

15 A. From, you know, Al and Jeff
16 and you know, the direction.

17 Q. Okay.

18 A. That's the only thing I had in
19 a straight line above that, but now,
20 I didn't know. I just said, well,
21 that's probably, you know, maybe
22 where it come from.

23 Q. Okay. Did you ever think that
24 it might have come from the existing
25 Two Left section?

1 A. Well, I just knew that ---
2 well, I didn't know. You know, logic
3 would dictate that it either come
4 from either straight ahead or from
5 Two Left, so ---. And I hadn't, you
6 know, had any problems with Two Left.
7 I hadn't had any problems with the
8 seals. I mean, they were relatively
9 new.

10 Q. Yeah.

11 A. So this was a surprise.

12 Q. At that time then, you did
13 think that it possibly came from inby
14 the seals?

15 A. Yes.

16 Q. And that's the information
17 that you used to start the rescue
18 efforts, send the teams underground?

19 A. Yes.

20 Q. Okay. Were you in charge of
21 the mine rescue efforts for ICG?

22 A. I was the representative
23 within the command center.

24 Q. Okay. You're the person that
25 represented ICG in the command

1 center?

2 A. Yes, sir.

3 Q. Okay.

4 A. Because within the --- within
5 the command structure, ---

6 Q. Yes.

7 A. --- we had that divvied up
8 into certain areas. Joe Myers was
9 the engineering, engineering support.
10 Raymond Coleman, critical support
11 surface. Tim Martin, mine rescue
12 team coordination and surface
13 support. And I always kept two
14 people --- I always kept one of the
15 two there for critical information
16 was Carl Crumrine or Jeff Toler or Al
17 Schoonover.

18 Q. And who is Tim Martin?

19 A. He's the corporate safety
20 director for ICG.

21 Q. Okay. And you worked under
22 him?

23 A. No, sir. He's lateral.

24 Q. Okay.

25 A. My immediate supervisor is

1 Chuck Dunbar.

2 Q. I know you had mentioned that,
3 but then with the corporate safety, I
4 thought you might have had something
5 in there. Okay. So you were in
6 charge of the mine rescue efforts.
7 Okay.

8 A. Yes, sir.

9 Q. And - - - .

10 A. Now, within our incident
11 command structure and with the way
12 the (k) order was, the - - - you know,
13 MSHA had a representative and the
14 state had a representative. And we
15 would - - - we would look at
16 information that come in and come up
17 with the best scenario and the
18 shortest time and we would write a
19 plan to modify the (k), and we would
20 execute it.

21 Q. Okay. And were you involved
22 in the decision to systematically
23 explore the mine starting from the
24 portal?

25 A. We started - - - we originally

1 looked at that, but it was not
2 needed. In fact, we clarified that
3 just after a very short amount of
4 time.

5 Q. Okay. That was the original
6 thought process though ---

7 A. Yes.

8 Q. --- to systematically ---?

9 A. Because the thoughts were
10 that, you know, we needed to get up
11 to 52 block and start from there
12 because that's where we encountered
13 the debris and the smoke and such.

14 Q. When you say that's where we
15 did, you're speaking of Mr. Toler ---

16 A. Yes, sir.

17 Q. --- in that initial
18 exploration of the mine?

19 A. Yes, sir, that was first-hand
20 information.

21 Q. Okay. And so when was that
22 --- when was that decision --- that
23 was the initial thought process; is
24 that correct, to start at the portal?

25 A. Yes.

1 Q. Okay. And the reason for not
2 doing that was ---?

3 A. Constituent levels.

4 Q. Constituent levels?

5 A. Yeah.

6 Q. And explain that to me a
7 little bit.

8 A. Okay. Do you use a mine
9 rescue team and mine rescue efforts
10 when you've got less than 19.5
11 percent oxygen or one percent methane
12 and greater than 50 parts per million
13 CO, that's what we have --- well,
14 that's what I have used in training
15 mine rescue teams and being on a mine
16 rescue team as a member.

17 Q. Okay. And what were those CO
18 levels and oxygen/methane at time
19 whenever we were --- you were first
20 talking about sending the mine rescue
21 teams in, do you recall?

22 A. Not verbatim, sir. We had
23 running log in the command center.

24 Q. Okay.

25 A. As those came in and we would

1 review that information as a group
2 within the incident command
3 structure, and proceed from that.

4 Q. And were you involved in the
5 decision to have the teams establish
6 power to parts of the mine and to
7 pump the water before they could
8 continue exploration?

9 A. Yes, I had input into that.

10 Q. And why was that decision made
11 to do that?

12 A. Would you state your question
13 again, please?

14 Q. Okay. Sure, no problem. Were
15 you involved in the decision to have
16 the teams to establish power to parts
17 of the mine and to pump the water
18 before they could continue
19 exploration? I think there was power
20 --- or water that needed to be pumped
21 and you needed to establish power to
22 those points so you could do that;
23 wasn't that correct?

24 A. See, we always had power to
25 the --- that pump at the seals, and

1 we didn't put any other power in
2 place until during the recovery
3 effort.

4 Q. Okay. But the power was taken
5 off the mine; right, initially, the
6 morning of the accident?

7 A. Yeah.

8 Q. The power was de-energized
9 from the underground portion of the
10 mine; right?

11 A. It was --- for some reason, it
12 was knocked.

13 Q. Yes.

14 A. Okay. Had been out. As far
15 as someone going and de-energizing
16 it, I --- you know, like I say, it
17 was knocked and we didn't put it back
18 in.

19 Q. Okay. So then --- but there
20 became a point that you had to
21 establish power to do some pumping of
22 water underground, re-establish
23 power; am I correct?

24 A. Yes.

25 Q. Okay. And why was that

1 decision made?

2 A. There were so many different
3 plans that we wrote and signed off on
4 that I would --- I'd like to refer to
5 those plans before. I just don't
6 remember right off.

7 Q. You don't recall why the
8 decision was made to take the power
9 and start the pumping?

10 A. I mean, you've got to have
11 power to make the pump pump and the
12 pump's got to move the water, so ---.

13 Q. Okay. Do you know whether One
14 Right and Two Right were explored as
15 the team progressed into the mine?

16 A. No, didn't have nothing over
17 there.

18 Q. Okay. And I'm just asking.
19 They did not explore that; correct?

20 A. Yeah.

21 Q. And why was that decision
22 made?

23 A. There's nothing over there.

24 Q. When you say there's nothing
25 over there, what do you mean by that?

1 A. No --- you know, there's no
2 ignition source.

3 Q. Okay. Do you know whether the
4 One Left area was explored as the
5 teams progressed into the mine?

6 A. We went up there --- we went
7 up there, I believe it was probably
8 five or six breaks.

9 Q. Okay. And that's the furthest
10 advancement of the teams?

11 A. I mean, after we seen that
12 there was, you know, no damage,
13 constituent levels okay and we come
14 out and just went ahead and pushed
15 forward.

16 Q. And that's what the decision
17 as based on, what you described?

18 A. From the command center, yeah.

19 Q. And do you know whether the
20 old Two Left and seal location was
21 explored as the teams progressed into
22 the mine?

23 A. No. The difficulty that I'm
24 having is because I also overseen the
25 recovery, okay?

1 Q. Sure.

2 A. And these two events are
3 overlapping.

4 Q. I understand.

5 A. I mean, it would help me to
6 look at the plans that we had in
7 place because I'm --- they're
8 overlapping on me. I'm sorry.

9 Q. Okay. But right here until
10 that time, you don't know why that
11 decision was made? Okay.

12 A. No. I mean, you know, you
13 don't want to take a mine rescue team
14 past something that could be a
15 potential ignition source.

16 Q. I understand.

17 A. And once you rule out the
18 ignition source or the potential then
19 you go past it.

20 Q. Okay. After the empty mantrip
21 was found in the Two Left area, were
22 you involved in the decision to
23 explore the faces of Two Left, even
24 though the communication would be
25 extended?

1 A. Yes, sir. And I had input in
2 that decision?

3 Q. And why was that decision
4 made?

5 A. Well, we was in hopes that
6 they would be somewhere close around
7 that conveyance.

8 Q. Okay. And were you in the
9 command center when the
10 miscommunication came out that all
11 the miners were alive? And can you
12 describe the events to the best of
13 your recollection until the time it
14 was learned that there was only one
15 survivor?

16 A. Unfortunately, yes. I was in
17 the command center. I wasn't manning
18 the phone. And in fact, I was --- I
19 was just basically listening to the
20 mine phone and it came over the phone
21 we have --- we found 12 alive. And
22 this was late in the hour. And I
23 thought, you know, maybe I didn't
24 hear right. And the room got loud
25 and I couldn't remember who was next

1 to me, and I said, what did he say.
2 Did you hear what I said? He said,
3 yeah, 12 alive. And then after he
4 said that, the room quieted down
5 somewhat. It was said two more
6 times. And ---.

7 Q. That was said over the mine
8 phone?

9 A. Over the speaker of the mine
10 phone.

11 Q. Yes. Okay.

12 A. I mean, every --- not just I,
13 sir, but others in the command center
14 heard it.

15 Q. Sure.

16 A. And I've only --- at that
17 time, I had only been drunk once in
18 my life, but it was absolutely
19 euphoric, the feeling there, because,
20 you know, I had done the math a
21 couple times before and I didn't
22 expect to hear that, as far as, you
23 know, one cubic air --- one cubic
24 yard per hour per man at rest. And I
25 have to say even with the birth of my

1 children, that was the happiest, most
2 --- best news I had ever heard in my
3 life.

4 But unfortunately, I said, you
5 know, we got to confirm, you know,
6 let's clarify it. And the room
7 erupted, but we were still doing
8 business. And I had never seen so
9 many old hairy guys cry in my life.

10 But I was outside stretching
11 my legs. I had sat in my chair so
12 long that I was having trouble with
13 my feet. And I don't know, it was
14 sometime there after then, they
15 called me back in, and they had used
16 the code word, because we had told
17 them not to say bodies over the
18 phone.

19 Q. Yes, I understand.

20 A. To use the word, you know,
21 items. And that --- you know, that
22 confused us. And that's when, I
23 don't know who it was, said they had
24 --- it was 12 dead and one alive,
25 with his head that way. And that,

1 that was the worst moment personally
2 and professionally in my life.

3 Q. I understand that. And do you
4 know approximately the length of time
5 between the first, they're alive and
6 when you got the final?

7 A. Sir, this is --- I'm going to
8 do the best that I can.

9 Q. Sure. I understand.

10 A. And I'm thinking 45 minutes,
11 an hour ten. But there was some
12 time, but to tell you specifically I
13 mean, because that was a real late in
14 the hour.

15 Q. I understand. Thank you.
16 What do you think happened on January
17 the 2nd, 2006?

18 ATTORNEY RAJKOVICH:

19 Let me object to any
20 kind of opinion he might have,
21 as far as the investigation is
22 still ongoing.

23 ATTORNEY WILLIAMS:

24 Let me just say ---.

25 ATTORNEY RAJKOVICH:

1 He can speak to facts,
2 but I mean, he's not going to
3 give an opinion as to what he
4 thinks it is.

5 ATTORNEY WILLIAMS:

6 Okay. Let me just say
7 you're here voluntarily ---

8 ATTORNEY RAJKOVICH:

9 Right.

10 ATTORNEY WILLIAMS:

11 --- and if you're
12 comfortable answering the
13 question, that's fine. But
14 I'm not sure what the basis
15 for an objection would be, but
16 you know, this is not a court.

17 ATTORNEY RAJKOVICH:

18 I understand.

19 ATTORNEY WILLIAMS:

20 We're just asking for
21 opinions as well as facts.
22 And if you have an opinion,
23 we'd love to hear it. That
24 doesn't mean we're going to
25 hold you to it in any kind of

1 way. We're asking for
2 everybody's opinion whether
3 it's based on facts or not.

4 A. Yes, sir, but my reservation,
5 and I would like to answer and give
6 you my opinion from the experience
7 that I have, but I don't think that I
8 would be prudent because, I mean,
9 this is a legal proceeding. So I
10 would respectfully decline to answer
11 that at this time.

12 BY MR. SWENTOSKY:

13 Q. And I'll ask you these few
14 questions here. And if you don't
15 feel comfortable - - -

16 A. Yes, sir.

17 Q. - - - answering them, just say
18 so.

19 A. Yes.

20 Q. Do you think methane was
21 involved?

22 A. Yes, sir, I do.

23 Q. What about coal dust?

24 A. I would - - -.

25 ATTORNEY RAJKOVICH:

1 Can we step out and
2 talk a minute?

3 A. Yeah.

4 ATTORNEY WILLIAMS:

5 Okay. We'll go off the
6 record.

7 WITNESS AND COUNSEL CONFER

8 OFF RECORD DISCUSSION

9 BY MR. SWENTOSKY:

10 Q. Okay. We were talking about
11 methane and you felt that methane did
12 have a --- and I said coal dust and
13 then we took a break I think.

14 A. Yeah.

15 Q. Okay. Do you feel coal dust
16 was involved?

17 A. I don't know at this time.

18 Q. Okay.

19 A. We'll just have to wait and
20 see what the investigation will have
21 to say.

22 Q. Do you have any idea what the
23 ignition source might have been?

24 A. Nothing definitive.

25 Q. And do you have any type of an

1 opinion on why the seals might have
2 failed?

3 A. I wasn't aware that the seals
4 failed. I was aware that they was
5 destroyed as a result of a blast.

6 Q. Okay. Thank you. And do you
7 have any idea why? Why they were
8 destroyed?

9 A. No.

10 MR. SWENTOSKY:

11 John, do you have
12 anything up to this point?

13 MR. MILLS:

14 Yes, we're both going
15 to do a couple. He was out of
16 the room a little bit.

17 MR. SWENTOSKY:

18 All right.

19 BY MR. MILLS:

20 Q. Mr. Coleman, were you
21 scheduled to work the day of the
22 explosion?

23 A. No, sir.

24 Q. But you did work the day of
25 the explosion?

1 A. Yes, sir.

2 Q. You mentioned when you get to
3 the mines, you spoke with some of the
4 guys about a puff or wind or ---?

5 A. Yes, sir, they said that they
6 felt pressures.

7 Q. Okay. Was the One Left crew
8 or was that the Wilfong bunch, do you
9 remember, the Wilfong, Toler,
10 Schoonover guys?

11 A. Well, they had made statements
12 to that effect from speaking to the
13 crew that had come off.

14 Q. So that information was
15 relayed to you from the ---

16 A. Through them, yes.

17 Q. --- One Left crew. Okay. I'm
18 going to bounce around here a little
19 bit. The Jeff Toler/Wilfong group,
20 when they got outside, you mentioned
21 that they sort of debriefed you on
22 what they had?

23 A. Yes, sir.

24 Q. Did they mention to you any
25 ventilation repairs that they had

1 made, specific ventilation repairs?

2 A. Not specifically. They said
3 that they had took some curtain with
4 them to --- you know, in case they
5 needed it.

6 Q. And that they did make some
7 repairs to ventilation controls, do
8 you remember them telling you that?

9 A. Let's see. Yes, they said
10 that they had put up some checks.

11 Q. Okay. Johnny Stemple notified
12 the mine rescue teams?

13 A. Yes, sir, that's my
14 understanding.

15 Q. Do you know what time of the
16 day or roughly?

17 A. No, sir. You know, I left my
18 home at around 7:30 and I called him
19 directly after, so it was after 7:30
20 in the a.m.

21 Q. Do you know which teams he
22 notified?

23 A. He said Barbour County.

24 Q. So when we're talking Barbour
25 County mine rescue, we're talking

1 more than one team?

2 A. Yes, sir, that's a Part 49
3 Compliance Station. It's two teams.

4 Q. Okay. And that's --- do you
5 know, are those the only teams that
6 Mr. Stemple notified?

7 A. Those are the ones that comes
8 to mind, because I mean, there we had
9 around 20-some teams to work that
10 rescue, and less for the recovery.

11 Q. I believe you mentioned that
12 somewhere along the early morning,
13 the Barbour County teams arrived. Do
14 you know how many members were there
15 combined?

16 A. No, sir, not right off. I
17 would --- because --- I don't
18 remember right off.

19 Q. So you don't know how many
20 team members were available when you
21 got there?

22 A. They arrived after I got
23 there.

24 Q. Do you know what time the next
25 mine rescue team arrived, not the

1 Barbour County teams, the next
2 outside mine rescue team, I'll use
3 that.

4 A. No.

5 Q. Okay. You mentioned that you
6 represented the Sago Mines in the
7 command center?

8 A. Yes, sir.

9 Q. Were there other persons
10 assigned to represent Sago on your
11 behalf when you took a break or
12 whatever?

13 A. Yes, sir. There was a ---
14 well, I had people there that would
15 man the phone so I could get off and
16 have a little bit of a break, but I
17 was there for the duration of the
18 entire rescue.

19 Q. Okay. And do you remember the
20 names of the people that represented
21 Sago in that command center besides
22 yourself?

23 A. May I ask for a clarification?
24 I had people there in the command
25 center to assist with various things,

1 communication, even taking the log,
2 even assisting to type the plans as I
3 dictated them.

4 Q. Okay. Who took your role in
5 there in your absence? Could you
6 give me those names?

7 A. I didn't relinquish command
8 responsibility at no time.

9 Q. When you were out of the
10 command center for any reason, who
11 filled your role?

12 A. No one.

13 Q. Okay. Can you give me some of
14 the names of the other people that
15 assisted you?

16 A. Yes, sir.

17 Q. Go ahead.

18 A. We had Dick Curry, Greg
19 Nestor. Randall Bird was at the
20 church. Johnny Stemple. That's it
21 as far as I can remember.

22 Q. And their roles were what?
23 Explain that to me again.

24 A. Communications liaison,
25 maintain the log. But I mean, as far

1 as mine plan decision making, as far
2 as that, that come from --- come from
3 me.

4 Q. I think I just have one more,
5 then I'll ---. You mentioned --- No,
6 I've got a couple more. You're
7 familiar with the Sago Mines;
8 correct, somewhat familiar? What is
9 your understanding of why it is
10 critical to run the pumps at Two Head
11 One Tail, the area of the seals?

12 A. As it was conveyed to me by
13 Carl Crumrine, it is because of it
14 readily floods, if not.

15 Q. And what would it flood,
16 intakes, returns, track, belt, old
17 areas of the mine?

18 A. As I was briefed, it would be
19 the return and it would go --- it
20 would migrate over.

21 Q. Okay. One last question. You
22 mentioned representative groups in
23 the command center. You said the
24 state, MSHA and Sago. Were there any
25 other representative groups in the

1 command center making decisions or
2 helping with the decisions?

3 A. Making decisions? No.

4 Q. Or input into the decisions?

5 A. Not that I readily aware of.

6 MR. MILLS:

7 Okay. John, I covered
8 while you were out.

9 MR. COLLINS:

10 Yeah, I apologize for
11 leaving during the interview
12 and interrupting things. My
13 ear started bleeding so I had
14 to leave.

15 MR. SWENTOSKY:

16 Oh, I'm sorry.

17 BY MR. COLLINS:

18 Q. I just wanted to clarify a
19 couple things. As I'm sure you
20 remember, I was also in the command
21 center ---

22 A. Yeah.

23 Q. --- during this time.

24 A. Most welcome.

25 Q. And you know, these are really

1 the first questions about the command
2 center, so you know, just sort of a
3 clarification, but we talked about
4 problems with the phone and the
5 problem that I remember with the
6 phone in the command center was only
7 the fact that it would not page
8 constantly. Is that the problem
9 you're speaking of? Because I think
10 earlier ---?

11 A. Oh, the --- no, we had trouble
12 with the handset and we traded it
13 out.

14 Q. Because the phone would just
15 page constantly when someone tried to
16 talk to us. I guess what I'm trying
17 to say, Ty, when Dennis asked you the
18 question, you know, I sort of the got
19 the feeling that he was --- and I'm
20 putting words in someone --- but I
21 thought Dennis was asking if we had
22 trouble with the mine communication
23 and ---.

24 A. Oh, mine's communications, no.
25 We had --- we changed the phone out

1 one time in the command center.

2 Q. And he can certainly clarify
3 this, but did we ever lose contact
4 with a mine rescue team ---

5 A. No. At no time. Even when we
6 changed the phone out, John, we still
7 had communications with the phone
8 that was in the mine foreman's office
9 where your people were stationed.

10 Q. Then also you said something
11 about the highest CO reading that day
12 was 2,300 parts per million?

13 A. No. I didn't say for that
14 day, through --- that I remember from
15 the rescue effort was 2,300 parts per
16 million.

17 Q. But we do have all this on a
18 record, on a log?

19 A. Yeah.

20 Q. All right.

21 A. We've got what was posted out
22 there, which was turned over to
23 engineering who did the logging and
24 gave us the trending analysis. We
25 got trending analysis every hour.

1 Q. That was later in the day when
2 ---?

3 A. Yeah.

4 Q. Approximately what time did we
5 set this command center up?

6 A. I don't know. It was set up
7 before noon is my --- that's my
8 thinking. I may be --- I may be
9 wrong, but I thought we had it set up
10 before noon.

11 Q. And then if I might revisit
12 just a little bit about the way that
13 the mine rescue teams were exploring
14 the mine.

15 A. Uh-huh (yes).

16 Q. Do you remember how they
17 entered the mine first?

18 A. Yeah, there at the pit mouth.

19 Q. What entry?

20 A. Just the --- Three.

21 Q. Through the fan?

22 A. Yeah, when they --- we made
23 all entries.

24 Q. Well, yes, I agree they
25 examined all entries. Then they

1 entered through the fan and traveled
2 inby to the Number Three Belt head
3 and came out onto the track. Do you
4 remember that?

5 A. Yes.

6 Q. Okay. And then is it true we
7 continued to explore up the track?

8 A. Yes.

9 Q. So then the questions came up
10 about this water that was at Number
11 Two Belt head in the return there.
12 Do you remember sending that team
13 back down to explore that? And only
14 if you can remember, Ty, because I do
15 remember, you know.

16 A. I mean, I had ---.

17 Q. Well, that got a little
18 confusing on the record here as to
19 how that occurred, you know.

20 A. Well, I'm not --- like I said,
21 you know, I worked the rescue, then I
22 designed and overseen the recovery
23 and some of this stuff, you know,
24 overlaps and I apologize for that
25 confusion. It's not intentional.

1 But I do remember that we wanted to
2 check that return to make sure that
3 we didn't lose it, because we was
4 --- we was afraid of the water during
5 this --- during the initial rescue,
6 so we wouldn't lose that return.

7 Q. And then like when we got to
8 the One Right, Two Right, that was a
9 joint decision not to go in there?

10 A. Nothing over there.

11 Q. Then when we get --- when we
12 got to One Left, we did --- the mine
13 rescue teams did explore or did
14 examine the entrances to that area,
15 One Left? I believe you said that we
16 did that.

17 A. Yeah, it was either --- we
18 pushed three or four breaks, did the
19 intake and return constituent level
20 on it. It was --- you know, we got
21 good numbers and we come back and,
22 you know, we pushed.

23 Q. And the reason we pushed or
24 the reason that we pushed it?

25 A. Well, fresh air push was to,

1 you know, get to the people.

2 Q. Okay. Getting --- and I think
3 that's been clarified some. I guess
4 I just got a little turned around on
5 that, you know, maybe I knew more
6 about the situation than I should
7 have.

8 But the seal plan that was
9 submitted for these seals, Ty, did
10 you have anything to do with that?

11 A. I looked at it prior to having
12 Johnny Stemple submit it and I had
13 --- and Jeff Toler had approached ---
14 had approached me, and I don't know
15 if he had called me or Johnny had
16 told me that he was wanting to use
17 Omega blocks, Omega seals. And I had
18 used them before and hadn't had a
19 problem.

20 Q. You have used them at other
21 companies?

22 A. Yes, sir.

23 Q. In what areas of the state?

24 A. Southern West Virginia.

25 Q. Do you know if the same plan

1 was submitted up here that was used
2 and I assume approved down there?

3 A. John, it --- you know, to me
4 it looked verbatim. I mean, there
5 was nothing --- there was nothing
6 peculiar or spectacular about that
7 plan. It was pretty cut and dry.

8 Q. Then about Tim Martin, is he
9 --- I think you stated that both of
10 you hold the same job title.

11 A. No, not the same job title. He
12 is corporate safety director for the
13 entire ICG and I'm manager of safety
14 for West Virginia and Maryland.

15 Q. And where does he normally
16 work? Where is he based out of?

17 A. Ashland.

18 Q. Was he in West Virginia on
19 January the 2nd or did he --- I mean,
20 after the explosion?

21 A. I don't remember where he was.

22 Q. Okay. Because I know it seems
23 as though he got there pretty fast.

24 A. I mean, he was close, but I
25 don't know where he was.

1 Q. And I'd like for you to
2 clarify what you said he was in
3 charge of.

4 A. Okay. When we set up the
5 command center, we basically used the
6 incident command structure to --- so
7 that all the command center would do
8 is to review pertinent information
9 that it needed to make the decisions
10 to go forth and plan the rescue and
11 oversee the rescue attempt. Tim and
12 Dave --- and Dave Shemp (phonetic)
13 were --- they coordinated the mine
14 rescue teams as far as who we had, we
15 called it on deck and who was ready
16 to go, and they would give us a
17 lineup as far as what resources we
18 had in the command center and we
19 would draw from those resources. And
20 also he took your logistics as far as
21 food, water, housing, along with
22 anything that they may need.

23 MR. COLLINS:

24 I think that's all we
25 have right now. Thank you,

1 Mr. Coleman. Dennis?

2 BY MR. SWENTOSKY:

3 Q. Mr. Collins mentioned to you a
4 little bit about --- or spoke to you
5 a little bit about the Omega seals
6 and that Mr. Toler had contacted ---
7 or discussed whether they could use
8 those seals or not or something to
9 that effect.

10 A. He had requested to use those.

11 Q. Okay. And did he say why he
12 wanted to use those particular seals?

13 A. He was familiar with them and
14 had used them previously.

15 Q. So that was the only decision
16 that you're aware of, was the reason
17 why he wanted to use them, just
18 because he used them before and they
19 were installed successfully?

20 A. Yes, sir. And I had used them
21 before as well, as well as others.

22 Q. And what --- I believe the
23 other seals in the Sago Mine are
24 Packsetter, I believe; is that
25 correct, the ones up there in the

1 First Mains?

2 A. Yes, sir, that's correct. But
3 the reason --- I don't know that
4 first hand, but Al Schoonover, the
5 safety director, I had asked him
6 about that, and he had said that they
7 were Packsetter seals.

8 Q. I was just trying to get to a
9 point of why was a decision made to
10 use Omega seals rather than
11 Packsetters or any other seals.

12 A. I mean, let me ask you, sir,
13 for a clarification. Is your
14 question, why did we use Packsetter
15 --- excuse me, Omega seals alone or
16 ---?

17 Q. Why as the decision made to
18 use Omega seals rather than any other
19 seal?

20 A. That's what the superintendent
21 wanted. I didn't have a problem with
22 it. I hadn't any bad experiences
23 with it in the past. Basically,
24 that's it.

25 Q. Okay.

1 A. I like them. I did like them.

2 Q. Fairly early on when we spoke
3 just initially or initial
4 conversations with Mr. Stemple, and I
5 apologize for asking you again,
6 because I think you did answer it.
7 But your first initial discussion
8 with Mr. Stemple on a telephone, at
9 that point, had he already contacted
10 the mine rescue teams?

11 A. Yes.

12 Q. Okay. And so he just did that
13 based on information that he had
14 prior to him discussing --- speaking
15 to you?

16 A. Yes.

17 Q. Okay. And was it Mr. Stemple
18 who, if you know, that contacted the
19 other mine rescue teams? I know he
20 contacted the first couple mine
21 rescue teams, but who contacted the
22 others?

23 A. I don't know, sir.

24 Q. And as part of the command
25 center, was Mr. Kitts, Sam Kitts and

1 Chuck Dunbar, were they part of the
2 command center?

3 A. They were --- at times, they
4 were there, and they would ask for
5 periodic briefings, which I would
6 give them.

7 Q. Okay. How long have you been
8 the safety director for ICG?

9 A. I've been the manager of
10 safety for ICG since July 27th, 2005.

11 Q. And how many mines --- and I
12 believe a couple of these things,
13 you've already said. But how many
14 mines and what area they located that
15 you're responsible for?

16 A. Well, Sentinel is located at
17 Philippi, Sycamore's near Clarksburg,
18 Sago at Sago Road, Imperial which is
19 --- we haven't started --- we haven't
20 broke dirt on it, but that's going to
21 be right above Sago. And then the
22 two prep plants.

23 Q. Okay. And when did ICG take
24 over Sago Mine, take over at Sago
25 Mine? Do you recall?

1 A. I don't know, sir.

2 Q. And does the Sago Mine have a
3 safety director?

4 A. Yes, Al Schoonover.

5 Q. And does he have an assistant
6 or is there an assistant safety
7 director, assistant safety inspector,
8 anything like that?

9 A. No, sir.

10 Q. Okay. And how often do you
11 meet with your safety directors?

12 A. It depends, but I try --- you
13 know, I try to have a meeting at
14 least once a month. It's according
15 to what all's going on.

16 Q. But that's kind of a basic
17 type thing?

18 A. That's what I shoot for.

19 Q. Yeah. And at some point in
20 time, have you reviewed the duties of
21 the safety director and assistant
22 with each of them during your
23 meetings or ---?

24 A. I distributed that, I'm trying
25 to think, probably August or

1 September and we had talked about it
2 at one or two of the meetings, but it
3 wasn't a --- it wasn't just for that
4 purpose.

5 Q. Okay. What other purpose was
6 ---?

7 A. We did accident prevention,
8 violation review, what we've got in
9 the pipeline for conference, you
10 know, what training is scheduled up,
11 what --- I've also begun an employee
12 development program specifically for
13 the safety directors which is using
14 the national mine academy and my
15 friends down there.

16 Q. Okay. Do you have or have you
17 created a task or a job online for
18 the safety director, like a --- like
19 a web site-type thing or anything,
20 done anything like that with the
21 safety directors?

22 A. No, sir.

23 Q. Okay.

24 A. A clarification, please?

25 Q. Sure.

1 A. Now, I have referred and
2 discussed with them as a resource,
3 using web-based materials from the
4 MSHA web site.

5 Q. Okay. What safety programs
6 did Sago have in place when you
7 started over there, just in general,
8 any type programs that they might
9 have had?

10 A. They had an assortment of
11 things on paper.

12 Q. Okay.

13 A. And I had looked at some of
14 those but as far as singling, you
15 know, one out, it was --- from what I
16 could see it was pretty much, you
17 know, MSHA-driven as far as if a plan
18 needed modified, as far as like, you
19 know, the responsible person
20 training, it would be using the MSHA
21 template, and there was other items
22 that was similarly developed.

23 Q. Okay. Since they took over,
24 what other programs have you put in
25 place? And I know you just mentioned

1 one about meeting with their safety
2 director once a month and going over
3 and ---. What other items have you
4 put in place since that time?

5 A. Yes, sir. We have a --- we
6 have a mentor program. And the
7 mentor program is anyone that we hire
8 as a new miner --- if we hire Miner
9 A, we'll assign him to a mentor that
10 will basically act as a resource and
11 an aide and a guide to him for the
12 first year. And that's heavily
13 driven with the superintendent and
14 also the frontline supervisor and
15 safety director.

16 We have also the advanced
17 apprentice miner training program,
18 which is in place, but we haven't
19 initiated it yet. It is a task
20 intensive program that basically
21 teaches equipment operating skills,
22 underground equipment operating
23 skills in a surface environment.
24 Basically what that means is we draw
25 the outline of a section on a parking

1 lot and we operate shuttle cars and
2 scoops and miners out there in that
3 area. That's at the Sentinel
4 Training Center. We've got --- it
5 should --- we should have everything
6 in place for that hopefully by early
7 summer.

8 We have also have mine
9 supervisory training and this
10 training is a follow-up where a
11 person is --- he's already a
12 certified foreman, and we take him
13 --- this has worked with the National
14 Mine Academy, where it's two days'
15 training. It covers communications.
16 It covers 110 of the Mine Act. We
17 give them a federal book, a state law
18 book and we also give them the MSHA-
19 generated materials. I don't know if
20 you're familiar with the pocket
21 reference guides for mine gases,
22 winter alert, accident prevention,
23 accident investigation, firefighting.
24 I'm doing this off the top of my
25 head.

1 But they have enough materials
2 that we basically give them a
3 backpack to put this in. We talk to
4 them about note taking, role playing
5 as far as how to interact with their
6 people, how to interact with health
7 and safety regulatory officials.
8 Then we take the classroom the second
9 day, we go over to the simulated mine
10 lab and we have ---.

11 I originally wrote this
12 program when I was with Massey Energy
13 and now it is a stand-alone program
14 at the academy. And basically we
15 teach them pre-shift, on-shift
16 requirements pursuant to not only the
17 state and federal law, but pursuant
18 to the ventilation and roof control
19 plans, which I'm sure everybody's ---
20 you know, they have gotten very
21 sophisticated and they go from the
22 --- and they're shown examples and
23 they have a question-and-answer
24 session.

25 And then we take them into the

1 mine lab and they do pre-shift and
2 on-shift inspections of a driving
3 section. We also have a portion of
4 the mine set up as a bleeder entry
5 with weekly examinations. As far as
6 to --- a big emphasis especially on
7 bleeder points, where to take your
8 constituent readings at, as far as is
9 it a valid sample, is it not a valid
10 sample.

11 Q. And ---.

12 A. Oh, excuse me. May I add
13 something?

14 Q. You may add whatever you like.

15 A. I had forgot that we've --- we
16 also do, we call it crew training,
17 and --- because we bring the crews in
18 together, in an eight-hour session in
19 a classroom setting, which is not at
20 the mine site. Okay? And we go over
21 ventilation plan, roof control plan,
22 do accident and violation review,
23 along with task responsibility. Now,
24 not task training, but if you are a
25 miner operator, then we go over with

1 --- you know, your requirements of
2 law, what you have to do, your gas
3 test, where to stand, your reflective
4 material, what's in the roof control
5 plan, and those --- that's ongoing.

6 We have also initiated an in-
7 house EMT training. We just had 18
8 people to pass that. We've got a new
9 class that started in Philippi this
10 evening. And we also have in-house
11 training on initial mine foreman
12 which allows you to gain your West
13 Virginia miner certification. That's
14 in partnership with West Virginia
15 University of Mining Extension.

16 And we also do advanced
17 training with them on firefighting.
18 They --- I wish I had brought my
19 tape. You actually do live
20 firefighting with a hand-held fire
21 extinguisher. And we also use their
22 truck. It has a maze in it and a
23 smoke machine that we use and they
24 actually get to use --- to wear an
25 SCSR and go through that. And what I

1 have planned also is to take ---
2 they're going to do that at least
3 twice a year within this division and
4 we'll also do the smoke training that
5 Brian Janna (phonetic) did with the
6 state but we'll be taking it
7 underground. I want to at least do
8 that twice a year as well.

9 Q. Okay. And the information
10 that you've just gone over and the
11 plans that you have, have any of the
12 miners at the Sago Mine since you
13 have ---?

14 A. Yes, sir, they went through
15 the crew training.

16 Q. Have any of the miners at the
17 Sago Mine since you have taken over
18 on July 27th, 2005, ---

19 A. Yes, sir.

20 Q. --- have they participated in
21 any of those trainings that you've
22 just described?

23 A. Yes, sir.

24 Q. All of them?

25 A. No, sir, not all of them. We

1 got all of them --- all of them at
2 Sago went through the crew training.
3 Okay. And we had some there and the
4 EMT was voluntary, you know, and we
5 would pay them for taking it, but
6 they had to pass. And the mine
7 foreman, we made that available, but
8 that was volunteer. And the smoke
9 and SCSR training, that was on the
10 slate but I couldn't get on the
11 schedule until --- until after
12 January. I talked to --- coordinated
13 that with Jim Dean.

14 Q. And when I said since you have
15 taken over, I'm talking about since
16 the July 27th ---

17 A. Yes, sir.

18 Q. --- of 2005 until the day of
19 the accident?

20 A. Yes, sir. They've
21 participated in the EIG meetings, the
22 violation reduction programs.

23 Q. Okay.

24 A. Accident reviews, accident
25 prevention.

1 Q. Okay. And since you have been
2 with ICG, have you monitored any of
3 the training that the safety
4 directors or the assistants have
5 conducted, specifically at Sago Mine?

6 A. I haven't monitored an
7 eight-hour annual at Sago. I had at
8 Sentinel.

9 Q. And the Sago Mine, who would
10 the instructors have been?

11 A. That would have been --- that
12 would have been Al Schoonover. Well,
13 I want to correct that. I did
14 observe Al. I did monitor him during
15 the pre-training.

16 Q. And when would that have been?

17 A. I'm going to say August,
18 September, sir, but I'm not for sure.
19 I'm thinking August, September.

20 Q. Okay. And so there was one
21 occasion that you had monitored Mr.
22 Schoonover?

23 A. No. On the pre-training, sir,
24 it was probably --- probably at least
25 four different times on the pre-

1 training.

2 Q. And on the --- and the one
3 with Mr. Schoonover, was that --- and
4 you may have said this and I missed
5 it. But was that like an annual
6 retraining for ---?

7 A. No, sir. This is in addition
8 to.

9 Q. In addition to. Have you
10 monitored any annual refresher
11 training that MSHA requires during
12 your time?

13 A. Not with Mr. Schoonover.

14 Q. Okay. And during any of the
15 monitoring, did you discover any
16 problems with the instructors and
17 maybe had to correct maybe what they
18 were doing or anything like that?

19 A. No. But in our meetings and
20 I, you know, emphasized the program
21 of instruction, you know, the CFR 30,
22 along with pertinent outlines, which
23 basically is driven from the CFR 30
24 and the program of instruction.

25 Q. Have you reviewed the plans,

1 that being the training, emergency
2 evacuation, roof control for the Sago
3 Mine?

4 A. I had reviewed the roof and
5 the vent. Those were the only two
6 that I had looked at because --- and
7 the reason was because it was in the
8 plan modifications.

9 Q. What do you mean by plan
10 modifications? You looked at them
11 --- oh, because it was being ---

12 A. Yes.

13 Q. --- modified?

14 A. Yes.

15 Q. Okay. And you reviewed the
16 modifications?

17 A. No. I reviewed the plan.

18 Q. The plan, okay. And what
19 about the training plan? Did you
20 review it?

21 A. I had --- I'm going to say
22 that I looked at it. It's pretty
23 much cut and blanket standard.

24 Q. Did you --- were there any
25 modifications that were made to the

1 plan based on your review of it?

2 A. I had instructed my people to
3 update the certified instructors'
4 list, to put me on it, which would
5 allow me to teach if need be.

6 Q. Was there any modifications
7 made to the firefighting evacuation
8 plan at all?

9 A. Not --- no.

10 Q. Did you review it?

11 A. Not that one in particular,
12 no.

13 Q. And when you're saying not in
14 particular, I'm talking about Sago
15 Mine.

16 A. Yes, sir.

17 Q. And in your opinion, did the
18 training plans appear adequate after
19 those couple modifications?

20 A. Yes, sir.

21 Q. ICG, do they have job safety
22 analysis and safe work instruction
23 for the mining, different mining
24 operations?

25 A. I'm not a big proponent of job

1 --- well, let me say this. As far as
2 for ICG, I don't know, but I know
3 what I --- what I brought with me.

4 Q. Okay. Do you have those job
5 safety analysis and work --- safe
6 work instruction for the Sago Mine?

7 A. We have them for --- it's
8 pretty much a --- I mean, it's pretty
9 much a task outline for the
10 classifications as far as a miner
11 operator, roof bolter operator, scoop
12 operator and so forth.

13 Q. So you do have job safety
14 analysis and safe work instruction in
15 place?

16 A. That is part of the ongoing
17 crew training, yes. Now, not the job
18 safety analysis. I'm not a big
19 proponent of that.

20 Q. Okay. So you don't have job
21 safety analyses in place?

22 A. No.

23 Q. And safe work instruction?

24 A. Yes.

25 Q. Have you found any problems

1 with the state and MSHA qualification
2 of any of the ICG employees?

3 A. No.

4 Q. Do you know who conducts the
5 electrical recertification for 2005
6 for ICG?

7 A. It should be Larry Reed.

8 Q. Does ICG have an approved
9 electrical recertification plan?

10 A. Does ICG? I don't know. I
11 would hope that the mine would have.

12 Q. Okay. But you're not sure at
13 this time?

14 A. No.

15 Q. And Mr. Schoonover he's
16 responsible for the training at the
17 Sago Mine, or are you responsible for
18 it, or who is responsible for that
19 training at the Sago Mine?

20 A. My hesitation is due to the
21 broadness of your question.

22 Q. Okay.

23 A. Okay. Mr. Schoonover is
24 responsible for certain aspects of
25 the training at the Sago Mine.

1 Q. Okay. And what aspects are
2 those?

3 A. That'd be for experienced at
4 our annual, to see that the task
5 training has been initiated and/or
6 completed.

7 Q. Okay.

8 A. Gas testing, you know, off the
9 top of the my head that would be ---.

10 Q. And have you ever conducted
11 any training at the Sago Mine?

12 A. At the mine site, no.

13 Q. Let's put it this way, have
14 you ever conducted any training for
15 the employees at Sago Mine?

16 A. Yes, sir, the pre-training.
17 Okay.

18 Q. And where was that conducted?

19 A. At the Buckhannon Training
20 Center. It's there in Buckhannon at
21 our division office.

22 Q. And have you ever conducted
23 any training on the Sago Mine site?

24 A. No, sir.

25 Q. And the crew training that you

1 spoke about a moment ago, is that the
2 only training that you have provided
3 for the miners at Sago Mine?

4 A. No, sir.

5 Q. And what other training was
6 that?

7 A. EMT, mine foreman.

8 Q. Okay. Was that --- excuse me.
9 Was that prior to January 2nd? That's
10 what I'm speaking about.

11 A. Yes, sir.

12 Q. Go ahead.

13 A. Yes, sir, that was prior to
14 January 2nd.

15 Q. And that's the extent of the
16 training that you have provided for
17 those miners?

18 A. And the supervisory training.

19 Q. Okay. And to ensure that
20 there --- that the proper instruction
21 is being conducted, you monitor
22 those. But I know you had mentioned
23 that you had not had the opportunity
24 to monitor the one at Sago; is that
25 ---?

1 A. Yes, I monitored one at Sago
2 and participated in it.

3 Q. Okay.

4 A. I said that I hadn't gotten to
5 monitor Al Schoonover in eight-hour
6 annual.

7 Q. Okay. Thanks for that
8 clarification.

9 A. Okay. I'm sorry.

10 Q. That's all right. And how do
11 you verify that the training has been
12 conducted?

13 A. Basically the schedule and the
14 log.

15 Q. Okay. There's a log kept and
16 you review that?

17 A. Uh-huh (yes).

18 MR. SWENTOSKY:

19 Okay. Do you have any?
20 Can we take a five-minute
21 break, and then we'll finish?

22 SHORT BREAK TAKEN

23 BY MR. SWENTOSKY:

24 Q. I had asked you, and I'll
25 repeat this question and maybe I need

1 to clarify a little bit. Have you
2 found any problems with the state or
3 MSHA qualifications for any of the
4 ICG employees. And what I meant by
5 that is, the instructors, methane
6 certification, electrical
7 certification, have you found any
8 problems where certain people were
9 not qualified for that or anything
10 like that?

11 A. No, sir, I haven't.

12 Q. Okay. What about
13 qualification for impoundment
14 inspection or preparation plant
15 inspections?

16 A. Not to my knowledge, sir.

17 Q. Okay. You mentioned about
18 JSAs, you're not a proponent of that
19 and why is that?

20 A. Sir, the JSA concept is a good
21 concept and one reason I'm not crazy
22 about it is, it becomes so large and
23 so convoluted, it's really hard to
24 use. I like a different procedure
25 where you break down the steps of the

1 job and then look at the --- and then
2 look at the hazards associated, and
3 the ergonomics that's associated with
4 each step and move from there.

5 Q. Okay. How did Mr. Schoonover
6 become a part of the Sago Mine over
7 there? Where did he work before and
8 did you bring him over there or ---?

9 A. No, sir. When I came on
10 board, the safety directors that are
11 in place within that division were
12 already in those positions.

13 Q. Okay. So Mr. Schoonover was
14 already there at Sago Mine when you
15 took over ---

16 A. Yes, that is correct.

17 Q. --- in July?

18 A. Yes, sir, that's correct.

19 Q. Okay. Who is the responsible
20 person at the Sago Mine? And by
21 responsible person I'm talking about
22 the person that is discussed in the
23 firefighting evacuation plan?

24 A. That would be the dispatcher
25 on the surface.

1 Q. Okay. And how was he trained?
2 Have you provided any training since
3 you've taken over the mine for the
4 dispatcher?

5 A. No, sir.

6 Q. And has anyone --- since your
7 takeover at Sago Mine, has anyone
8 provided training for them?

9 A. Not to my knowledge, sir.

10 Q. Have any of the miners at Sago
11 Mine been provided training with the
12 --- concerning the evacuation
13 procedures, emergency procedures for
14 the Sago Mine since July when you
15 took over?

16 A. Not to my knowledge, but I
17 would like to add a statement.

18 Q. Sure.

19 A. During the safety director
20 meetings and also with my
21 communications to the safety
22 directors, and I called them friendly
23 reminders, that I had communicated
24 both in meetings and also when I
25 would visit the mines, as far as make

1 sure that their books was up, their
2 drills was up as far as their
3 escapeway drills and such. So I know
4 that those friendly reminders had
5 been out. But now, as far as who and
6 when, I couldn't comment on that.

7 Q. And you mentioned about the
8 books being up and they were
9 everything was listed, but do you
10 ever just ask anyone did they have
11 any kind of training or have they
12 been trained on evacuation
13 procedures?

14 A. I had asked the directors that
15 both singular and in groups from time
16 to time, a --- you know, where are
17 you at on your escapeway drills,
18 where are you at on your firefighting
19 drills and they would, you know,
20 respond accordingly. Either oh, no,
21 that's due. I got to look at the
22 book. It's due this week. Oh,
23 foreman X did it last week with crew
24 A.

25 Q. And the dispatchers, have you

1 ever had any discussions with those
2 dispatchers concerning the --- their
3 duties as a responsible person?

4 A. No, sir.

5 Q. Have you ever instructed Mr.
6 Schoonover to do that?

7 A. Not that I recall specifically
8 the way that you have asked that
9 question. I have given instructions
10 to the safety directors to make sure
11 that their task training is current,
12 complete and up to date, okay, and
13 that would come under that
14 classification. But to say
15 specifically if John Q. was the
16 dispatcher, have we went through the
17 responsible person training out loud
18 with him? No, sir.

19 Q. Okay. Well, what is his ---
20 what is a dispatcher's duties as far
21 as the firefighting evacuation plan
22 as the responsible person? What are
23 his duties?

24 A. Okay. From his station, he is
25 to readily monitor the CO readouts

1 and to take appropriate action and
2 initiations from those readouts,
3 alarm at 10, action at 15, outby
4 call.

5 Q. And does he conduct the
6 evacuation of the mine in case of
7 emergency?

8 A. Okay. He is trained to do
9 that and also to use a --- to notify
10 a manager to get additional
11 resources.

12 Q. Does he initiate the
13 evacuation of the mine ---

14 A. Yes.

15 Q. --- in case of emergency?

16 A. Yes.

17 Q. Okay. Earlier in response to
18 a question concerning the Omega
19 seals, ---

20 A. Yes, sir.

21 Q. --- you said that you thought
22 that they were a good seal.

23 A. Uh-huh (yes).

24 Q. And then you kind of said, I
25 did think they were a good seal.

1 A. Well, I want - - - .

2 Q. Has that opinion changed?

3 A. No, sir. It may change
4 pursuant to the findings of the
5 investigation.

6 Q. What is the company structure
7 as far as who is the lead person as
8 far as ICG at the mine level?

9 ATTORNEY RAJKOVICH:

10 Now, again, he can't
11 speak for the company but to
12 his knowledge is - - -

13 MR. SWENTOSKY:

14 Yes.

15 ATTORNEY RAJKOVICH:

16 - - - what you're saying?

17 MR. SWENTOSKY:

18 Yes. Yes.

19 ATTORNEY RAJKOVICH:

20 Who answers to who?

21 MR. SWENTOSKY:

22 Yes.

23 A. Okay. My immediate supervisor
24 is Chuck Dunbar.

25 BY MR. SWENTOSKY:

1 Q. Okay. And what position is
2 he?

3 A. General manager.

4 Q. Okay. And above him?

5 A. Chuck Dunbar reports to Mr.
6 Kitts, Sam Kitts.

7 Q. Okay. And Mr. Kitts is ---
8 what title is he?

9 A. I'm not for sure of his title.
10 It's --- he's over the West Virginia
11 and Maryland operation.

12 Q. And do you know anybody above
13 him?

14 A. Do I know who he reports to?

15 Q. Yes. Yes.

16 A. No, sir, I don't know first
17 hand.

18 Q. Do you know second hand?

19 A. I don't. I'd be guessing.

20 MR. SWENTOSKY:

21 Do you have anything?

22 BY MR. SWENTOSKY:

23 Q. Has anyone offered you
24 anything or made a promise to you in
25 exchange for your appearance here

1 today?

2 A. No, sir.

3 Q. And do you have anything that
4 you would like to add that may be
5 relevant to the investigation at this
6 point?

7 A. I would like to make a brief
8 statement, if I may?

9 Q. Say anything you want, Mr.
10 Coleman.

11 A. Okay. Since the coming with
12 ICG of June (sic) 27th, 2005, they
13 have been fully supportive of my
14 recommendations pursuant to the
15 safety program and putting in place
16 and the training initiatives that we
17 wished to do. I really feel, and I'm
18 looking forward to the end result of
19 the investigation so that we can find
20 out the reasons why. I want to thank
21 everyone for their kindness and
22 professionalism shown during this
23 hearing. It helps things quite a
24 bit. And I'm in hopes what I can
25 bring here I helpful and this

1 statement is given to the best of my
2 knowledge, going through a very
3 difficult time that covers a very
4 long period. Thank you and good day.

5 MR. SWENTOSKY:

6 Thank you. I have a
7 closing statement I'd like to
8 read. On behalf of MSHA, I
9 would like to thank you for
10 appearing and answering
11 questions today. Your
12 cooperation is very important
13 to the investigation as we
14 work to determine the cause of
15 the accident.

16 We ask that you not
17 discuss your testimony with
18 any person who may have been
19 already interviewed or who may
20 be interviewed in the future.
21 This will ensure that we
22 obtain everyone's independent
23 recollection of the events
24 surrounding the accident.
25 After questioning other

1 witnesses, we may call you if
2 we have any follow-up
3 questions that we feel we need
4 to ask. If at any time you
5 have additional information
6 regarding the accident that
7 you would like to provide,
8 please contact us at the
9 information that was
10 previously provided to you,
11 and that's on the business
12 card that we gave you.

13 The Mine Act provides
14 certain protections to miners
15 who provide information to
16 MSHA, and as a result, are
17 treated adversely. If at any
18 time, you believe that you
19 have been treated unfairly,
20 because of your cooperation in
21 this investigation, you should
22 immediately notify MSHA.

23 If you wish, you may
24 now go back over any answer
25 that you have provided during

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this interview and you may
also make a statement --- any
statement that you would like
to make at this time.

A. No, sir.

MR. SWENTOSKY:

Okay. Thanks again for
your cooperation in this
matter, Mr. Coleman. We
appreciate it.

* * * * *

SWORN STATEMENT

CONCLUDED AT 4:31 P.M.

* * * * *

T42



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