

STATEMENT UNDER OATH
OF
JOHN D. MEHAULIC, JR.

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,
March 27, 2006, at 10:19 a.m.

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A P P E A R A N C E S

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

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MICHAEL RUTLEDGE
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WITNESS: JOHN D. MEHAULIC, JR.

INTRODUCTION 6 - 13

QUESTIONS

By Mr. O'Donnell 13 - 19

By Mr. Rutledge 19 - 23

By Mr. O'Donnell 23 - 25

By Mr. Rutledge 25 - 26

By Mr. O'Donnell 26

CONCLUDING REMARKS 26 - 28

CERTIFICATE 29

EXHIBIT PAGE

PAGE

NUMBER DESCRIPTION IDENTIFIED

NONE OFFERED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Bob Wilson from the Solicitor's office, Mike Rutledge and Dave Stuart with the West Virginia Office of Miners' Health, Safety & Training.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 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 interviews
4 are an important part of the
5 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. After
12 the investigation is
13 completed, MSHA will issue a
14 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. The information
23 obtained through witness
24 interviews is frequently
25 included in these reports.

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

4 I'd like to thank you
5 in advance for your appearance
6 here. We appreciate your
7 assistance in the
8 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. We
13 understand the difficulty for
14 you in discussing the events
15 that took place, and we
16 greatly appreciate your
17 efforts to help us understand
18 what happened.

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

1 Administration and the West
2 Virginia Office of Miners'
3 Health, Safety & Training into
4 the conditions, events,
5 circumstances surrounding the
6 fatalities that occurred at
7 the Sago Mine owned by the
8 International Coal Group in
9 Buckhannon, West Virginia, on
10 January the 2nd, 2006. This
11 interview is being conducted
12 at the U.S. Bankruptcy Court
13 in Clarksburg, West Virginia
14 on February (sic) 27th, 2006.

15 Questioning will be
16 conducted by representatives
17 of MSHA and the Office of
18 Miners' Health, Safety &
19 Training. Mr. Mehaulic, the
20 interview will begin by my
21 asking you a series of
22 questions. If you do not
23 understand a question, please
24 ask me to rephrase it. Feel
25 free at any time to clarify

1 any statements that you make
2 in response to the questions.
3 After we have finished asking
4 questions, you will also have
5 an opportunity to make a
6 statement and provide us with
7 other information that you
8 believe may be important.
9 If at any time after the
10 interview you recall any
11 additional information that
12 you believe may be useful in
13 the investigation, please
14 contact Mr. Richard Gates at
15 the phone number and e-mail
16 address that we're going to
17 provide to you.

18 Your statement is
19 completely voluntary. You may
20 refuse to answer any question
21 and may terminate your
22 interview at any time. If you
23 need a break for any reason,
24 please let me know.

25 A court reporter will

1 record your interview and will
2 later produce a written
3 transcript of the interview.
4 Please try and respond to all
5 questions verbally, since the
6 court reporter cannot record
7 nonverbal responses. Also,
8 please try to keep your voice
9 up. Copies of the written
10 transcripts will be available
11 for you at a later time.

12 If any part of your
13 statement is based not on your
14 own firsthand knowledge, but
15 on information that you've
16 learned from someone else,
17 please let us know. Please
18 answer each question as fully
19 as you can, including any
20 information you've learned
21 from someone else. We may not
22 ask the right questions to
23 learn the information that you
24 have, so don't feel limited by
25 the precise question asked.

1 If you have information about
2 the subject area of a
3 question, please provide us
4 with that information.

5 At this time, Mr.
6 Rutledge, do you have anything
7 that you would like to add on
8 behalf of the State of West
9 Virginia?

10 MR. RUTLEDGE:

11 Yes. John, I just need
12 to let you know that the West
13 Virginia Office of Miners'
14 Health, Safety & Training is
15 conducting this interview
16 session jointly with MSHA and
17 is in agreement with the
18 procedures outlined by Mr.
19 O'Donnell for the interviews
20 that will be conducted here
21 today. However, the Director
22 of the Office of Miners'
23 Health, Safety & Training does
24 reserve the right, if
25 necessary, to call or subpoena

1 witnesses or require the
 2 production of any record,
 3 document, photograph or other
 4 relevant material necessary to
 5 conduct this investigation.
 6 We thank you for being here
 7 today. If you have any
 8 questions concerning the
 9 State's part of this
 10 investigation, then you can
 11 contact Mr. Mills at those
 12 numbers.

13 MR. O'DONNELL:

14 Would you please swear
 15 in Mr. Mehaulic?

16 -----
 17 JOHN D. MEHAULIC, JR., HAVING FIRST
 18 BEEN DULY SWORN, TESTIFIED AS
 19 FOLLOWS:

20 -----
21 BY MR. O'DONNELL:

22 Q. Please state your full name
 23 and spell your last name for us.

24 A. John D. Mehaulic, Jr. My
 25 spelling of my last name is

1 M - E - H - A - U - L - I - C .

2 Q. And please state your address
3 and telephone number, John.

4 A. My address is 648 Mulberry
5 Avenue, Clarksburg, West Virginia.
6 Telephone number is area code
7 304-623-4121.

8 Q. And are you appearing here
9 voluntarily?

10 A. I'm appearing here
11 voluntarily.

12 Q. How long have you worked for
13 MSHA?

14 A. Approximately 29 years.

15 Q. And how long have you worked
16 at the Bridgeport field office?

17 A. Since 2000, the year 2000,
18 I've been in that office.

19 Q. And what is your present
20 position?

21 A. Coal mine inspector.

22 Q. Have you conducted inspections
23 at the Sago Mine?

24 A. I've conducted inspections at
25 Sago Mine.

1 Q. During your inspections at the
2 Sago Mine, did you inspect the seal
3 area of the old Second Left?

4 A. Yes, I did inspect old Second
5 Left seals.

6 Q. What were your observations?

7 A. My observations were to --- as
8 I inspected the seals, Numbers One
9 through Ten, I inspected each seal
10 for methane, CO and oxygen. And it
11 was a visual examination. And if you
12 want me to elaborate, I will.

13 I did not detect any methane,
14 did not see any oxygen deficiencies.
15 And the seals were complete, as I
16 could see from this side of them.
17 They were done according to plan.

18 Q. So your --- what about rock
19 dust in the area?

20 A. The area from 110 to seal Ten
21 was very well rock dusted. Also, at
22 that time, they had put --- mine
23 management had put 1,000 pounds of
24 rock dust at each seal. And as the
25 observation of that, it was

1 interesting to me that that was done.
2 I did not discuss it with the mine
3 foreman. I just said, that's nice,
4 it looks good.

5 Q. So let me just go back. All
6 the seals were completed; right?

7 A. All the seals were completed.

8 Q. So there was no way that you
9 could get behind the seals to
10 evaluate any of the conditions behind
11 the seals?

12 A. I could not get behind the
13 seals, no.

14 Q. And all the seals One through
15 Ten were completed?

16 A. All through Ten were
17 completed.

18 Q. So your observation, then, was
19 just of what?

20 A. Of the front side of them and
21 how they looked from the front side
22 and the area around the front side.

23 Q. Did you see anything unusual
24 that would bring attention to your
25 inspection?

1 A. Nothing unusual. What I did
2 see was cribs at each seal and the
3 line curtain, dates, times and
4 initials at each seal. The walkway
5 was intact. And on that particular
6 day, I was looking at the mine roof,
7 the roof ribs a lot because the area
8 had been sealed because it had bad
9 roof in that area. And that was a
10 concern that the integrity of the
11 seals were intact. And they were.

12 Q. They were. John, how many
13 cribs were set in front of each of
14 the seals?

15 A. I know of one for sure,
16 possibly two.

17 Q. And was there anything unusual
18 about the Number One seal and the
19 Number Ten seal?

20 A. In my inspection, the water
21 traps and methane taps were in place.
22 The water trap was in One and the
23 methane tap was in Two.

24 Q. Okay.

25 A. It was in the last seal,

1 Number Ten.

2 Q. That would be the last seal on
3 the far right as you look into the
4 mine?

5 A. Yeah.

6 Q. Okay.

7 A. I usually denote that in my
8 notes with WT and MT.

9 Q. And you say that there was a
10 curtain installed in each of the ---?

11 A. Yeah. There was a line
12 curtain controlling ventilation to
13 the seals, just to sweep them for any
14 foul air.

15 Q. Uh-huh (yes). And your
16 findings?

17 A. My findings is that --- I
18 normally take an air movement reading
19 at the outby end of the seals where
20 the air travels past the seals to the
21 last seal. I did that. And my
22 findings at that time with the rock
23 dust and the air and the integrity of
24 the seals and the cribs and the
25 dates, times and initials and the

1 walkway and the roof and the methane
2 test that the seals in that area were
3 constructed as required and had no
4 violations issued for those seals.

5 MR. O'DONNELL:

6 Mr. Rutledge?

7 BY MR. RUTLEDGE:

8 Q. John, you said something about
9 1,000 pounds of rock dust at each
10 seal?

11 A. Uh-huh (yes).

12 Q. Okay. An employee of the mine
13 had told you that they had put this
14 amount out by each of those seals, or
15 how did you come to that amount?

16 A. When I saw them there, the
17 bags of dust stacked, the mine
18 foreman told me there's 1,000 pounds
19 stacked at each seal. And I didn't
20 look at the bags intently to count
21 each bag to see that it equaled that.
22 That was just the effect of
23 observation.

24 Q. Okay. So there was a pallet
25 or a stack of ---?

1 A. Bags. Rock dust bags.

2 Q. Okay. That --- I'm sorry.
3 That you assumed that when you put
4 out around that area or that was left
5 there for ---?

6 A. The discussion with the mine
7 foreman of why they were there did
8 not come about. I presume that
9 during the course of the life of the
10 seals, they would be broken up and
11 spread around for additional rock
12 dusting if necessary. It was just
13 something that I saw that was unusual
14 because I didn't see it at other
15 seals in my career of inspection.

16 Q. Okay. And you mentioned that
17 each of the seals had a line curtain
18 in it to ventilate it. And on ---
19 going by that seal line on the
20 left-hand side, there would have been
21 a line of stoppings across there; is
22 that correct?

23 A. I'm not sure what your
24 question is, Mike. Backup stoppings?

25 Q. Yeah. There would have been a

1 stopping outby the seal for air to
2 sweep across the seals and then go to
3 the return?

4 A. I don't recall. But the air
5 was coursed in its proper direction
6 going to the left to the return,
7 because I got an air reading there.

8 Q. Okay. So they all had to be
9 in place?

10 A. Yeah. I got an air reading.
11 And I'm not sure what the exact air
12 reading was. But yes. As I came
13 into the sealed area --- I either got
14 it outby One or One and Two seal. I
15 can't remember. The air was coursing
16 that way and I got an air reading
17 there.

18 MR. RUTLEDGE:

19 That's fine. No
20 further. I'm sorry.

21 BY MR. RUTLEDGE:

22 Q. Okay. John, just what day was
23 that inspection done? Do you recall
24 that?

25 A. Yes, I do. It's the 21st of

1 December.

2 Q. Okay. 21st of December?

3 A. Yeah. What I did was make
4 regular inspection work prior to that
5 and I did want to see the seals
6 intact, even though I knew my other
7 --- the other inspector, Marty
8 Carver, who had inspected that area
9 prior to me, and was transferred out
10 of the mine, I wanted to see the
11 seals intact, that they were, indeed,
12 completed and that the area was okay
13 around the seals. Because I found
14 that inspecting seals, sometimes they
15 build up water behind them or
16 something like that. And I wanted to
17 see them intact and know that they
18 were done, no matter who saw them
19 before me. I just --- I wanted to
20 know myself.

21 Q. And did you make a methane, CO
22 and oxygen test at each seal?

23 A. I made a CO, CH₄ and O₂ check
24 at each seal, at the face of each
25 seal.

1 Q. Okay. And you detected none
2 of those gases, normal oxygen?

3 A. Normal oxygen and no CH4.

4 MR. RUTLEDGE:

5 That's all I have.

6 BY MR. O'DONNELL:

7 Q. John, did anyone accompany you
8 that day of your inspection?

9 A. The mine foreman for Sago
10 Mine.

11 Q. And who is that?

12 A. That day it was Carl Crumrine.

13 Q. Did you have any other escorts
14 that day?

15 A. No other escorts that day.
16 After I did the seals, I did other
17 inspection activity.

18 MR. O'DONNELL:

19 Okay. Let's take a
20 short break.

21 SHORT BREAK TAKEN

22 MR. O'DONNELL:

23 I just have one
24 follow-up question.

25 BY MR. O'DONNELL:

1 Q. When you examined across the
2 faces of the seals and you said that
3 there was bulk rock dust, ---

4 A. Uh-huh (yes).

5 Q. --- was there any other rock
6 dust scattered about?

7 A. There was --- the area in
8 front of the seals and the walkway
9 across the front of the seals was
10 well rock dusted.

11 Q. And what degree would you
12 consider well rock dusted?

13 A. The roof, ribs, the walkway,
14 the ribs to the seals, the roof to
15 the seals was well rock dusted. And
16 the fact that I made the statement to
17 the mine foreman that this is a
18 pretty good job.

19 Q. Uh-huh (yes).

20 A. Because the area's somewhat
21 damp to wet.

22 Q. Uh-huh (yes).

23 A. And when you rock dust a damp
24 to wet area, it tends to penetrate in
25 and make it ---. So I would say ---

1 I can't put a depth measurement to
2 it, but it was not two inches thick.

3 Q. Okay.

4 A. It was less than that.

5 Q. On the floor?

6 A. On the floor, it had a rock
7 floor bottom. And I would say less
8 than an inch on the floor.

9 Q. Okay.

10 BY MR. RUTLEDGE:

11 Q. John, I'm sorry to repeat, but
12 you just observe the outside of the
13 completed seals?

14 A. Uh-huh (yes).

15 Q. Which is all plastered over on
16 on the side that you observed?

17 A. Uh-huh (yes).

18 Q. And do you happen to remember
19 or did you maybe have in your notes
20 what your air reading was across
21 those seals, the volume of air going
22 across those seals?

23 A. I remember talking to Carl
24 Crumrine. And I had a little more
25 than a weekly examiner would get.

1 And it was under 10,000 cubic feet.
2 It was somewhere between 7,000 and
3 10,000 cubic feet per minute. It
4 wasn't 50,000 and it wasn't 30,000.

5 Q. Uh-huh (yes).

6 A. And there was a large area
7 because it was high. Because the
8 seals were high. It was a large
9 area.

10 MR. RUTLEDGE:

11 Okay. Thanks. That's
12 all.

13 BY MR. O'DONNELL:

14 Q. John, were you involved with
15 the rescue and recovery operations at
16 the mine at any time? And if you
17 were, what was your involvement?

18 A. I was not involved at any time
19 with the rescue and recovery
20 operations.

21 Q. Do you have anything you'd
22 like to add that may be relevant to
23 the investigation?

24 A. No, not at this time.

25 MR. O'DONNELL:

1 On behalf of MSHA, I
2 want to thank you for
3 appearing and answering
4 questions today. Your
5 cooperation is very important
6 to the investigation as we
7 work to determine the cause of
8 the accident. We ask that you
9 not discuss your testimony
10 with any person who may have
11 already been interviewed or
12 who may be interviewed in the
13 future. This will ensure that
14 we obtain everyone's
15 independent recollection of
16 the events surrounding the
17 accident. After questioning
18 other witnesses, we may call
19 you if we have any other
20 follow-up questions that we
21 may need to ask you. If at
22 any time you have additional
23 information regarding the
24 accident that you would like
25 to provide us, please contact

1 us at the contact information
 2 that we previously provided to
 3 you. If you wish, you may go
 4 back over any answer that
 5 you've given during this
 6 interview and may also make a
 7 statement that you'd like at
 8 this time.

9 A. No. I don't have any
 10 statements.

11 MR. O'DONNELL:

12 And again, John, I
 13 would like to thank you for
 14 your cooperation. We
 15 appreciate you coming.

16 A. Thank you.

17
 18
 19 * * * * *

20 SWORN STATEMENT

21 CONCLUDED 10:38 A.M.

22 * * * * *

23
 24
 25