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Statement Under Oath of Matilda Collins

Date: May 13, 2010

Printed On: June 4, 2010

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Phone: 814-536-8908

Fax: 814-536-4968

Email: schedule@sargents.com

Internet: www.sargents.com

STATEMENT UNDER OATH

OF

MATILDA COLLINS

taken pursuant to Notice by Brett Steele, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Thursday, May 13, 2010, beginning at 2:43 p.m.

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ROBERT S. WILSON, ESQUIRE
U.S. Department of Labor
Office of the Regional Solicitor
1100 Wilson Boulevard
22nd Floor West
Arlington, VA 22209-2247

TERRY FARLEY
West Virginia Office of Miners' Health,
Safety and Training
1615 Washington Street, East
Charleston, WV 25311

JOHN O'BRIEN
Safety Inspector
West Virginia Office of Miners' Health,
Safety and Training
Welch Regional Office
891 Stewart Street
Welch, WV 24801-2311

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

2

3 JOHN GODSEY

4 Miners' Safety and Health Administration

5 P.O. Box 560

6 Norton, VA 24273

7

8 REBA ANN CRAWFORD

9 National Council for Field Labor

10 100 Bluestone Road

11 Mount Hope, WV 25880

12

13 CELESTE MONFORTON, MPH, DrPH

14 West Virginia Independent Investigation

15 2100 M. Street, NW

16 Suite 203

17 Washington, DC 20037

18

19

20

21

22

23

24

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IDENTIFIED

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ATTORNEY WILSON:

Let's go on the record. Good afternoon.

We're here with Matilda Collins. My name is Bob
Wilson. I am with the Office of Solicitor, United
State Department of Labor. With me is John Godsey, an
accident investigator with the Mine Safety and Health
Administration. Also present are several individuals
with the State of West Virginia. I'll ask at this
time that they state their appearance for the record.

MS. MONFORTON:

Celeste Monforton. I'm part of Davitt
McAteer's special investigation unit.

MR. FARLEY:

I'm Terry Farley with Miners' Health,
Safety and Training.

MR. O'BRIEN:

John O'Brien with Miners' Health, Safety
and Training.

ATTORNEY WILSON:

There are several other members of the
investigation teams present in the room. All members
of the Mine Safety and Health Administration
Investigation Team and all members of the State of

1 West Virginia Accident Investigation Team
2 participating in the investigation of the Upper Big
3 Branch Mine explosion shall keep confidential all
4 information that is gathered from each witness who
5 voluntarily provides a statement until the witness
6 statements are officially released. MSHA and the
7 State of West Virginia shall keep this information
8 confidential so that other ongoing enforcement
9 activities are not prejudiced or jeopardized by a
10 premature release of information. This
11 confidentiality requirement shall not preclude
12 investigation team members from sharing information
13 with each other or with other law enforcement
14 officials. Your participation in this interview
15 constitutes your agreement to keep information
16 confidential.

17 Ms. Collins, government investigators and
18 specialists have been assigned to investigate the
19 conditions, events and circumstances surrounding the
20 fatalities that occurred at the Upper Big Branch Mine-
21 South on April 5th, 2010. The investigation is being
22 conducted by MSHA under Section 103(a) of the Federal
23 Mine Safety and Health Act and by the West Virginia
24 Office of Miners' Health, Safety and Training. We
25 appreciate your assistance in this investigation.

1 After the investigation is complete, MSHA
2 will issue a public report detailing the nature and
3 causes of the fatalities in the hope that greater
4 awareness of the causes of accidents can reduce their
5 occurrence in the future. Information obtained
6 through witness interviews is frequently included in
7 these reports. You should know that if you request
8 confidentiality, confidentiality will only be granted
9 on a case-by-case basis. Your statement may also be
10 used in other enforcement proceedings.

11 You may have a personal representative
12 present during the taking of your statement and you
13 may consult with your representative at any time. Do
14 you have a personal representative with you today?

15 MS. COLLINS:

16 Yes, I do.

17 ATTORNEY WILSON:

18 Okay. And would you please state your
19 name for the record?

20 MS. CRAWFORD:

21 Reba Crawford.

22 ATTORNEY WILSON:

23 Ms. Collins, you may refuse to answer any
24 question and you may request a break at any time. You
25 may consult with your representative at any time.

1 Since this is not an adversarial proceeding, Cross
2 Examination will not be permitted, but your personal
3 representative may ask clarifying questions as
4 appropriate. The court reporter will record your
5 interview. Please speak loudly and clearly. If you
6 do not understand a question, please ask that the
7 question be rephrased. Please answer each question as
8 fully as you can, including any information you may
9 have learned from somewhere else. Again, I would like
10 to thank you in advance for your appearance here
11 today. We appreciate your assistance in this
12 investigation. Your cooperation is critical in making
13 the nation's mines safer.

14 After we have finished asking questions,
15 you will have an opportunity to make a statement and
16 provide us with any other information that you feel
17 may be helpful in the investigation. If at any time
18 after the interview you think of any additional
19 information that you believe may be relevant, please
20 contact Norman Page at the telephone number that was
21 provided to you in the letter. At this time I'll ask
22 that the court reporter swear in the witness.

23 -----
24 MATILDA COLLINS, HAVING FIRST BEEN DULY SWORN,
25 TESTIFIED AS FOLLOWS:

1 -----

2 ATTORNEY WILSON:

3 I'll turn it over now to Mr. Godsey to
4 start the questioning.

5 EXAMINATION

6 BY MR. GODSEY:

7 Q. Ms. Collins, we got a wall map here that you can
8 refer to. I think we got a form here somewhere and we
9 have the maps on the table where we can ---. Okay.
10 Please state your full name and spell your last name.

11 A. Matilda Roberts Collins, C-O-L-L-I-N-S.

12 Q. Please state your address and telephone number.

13 A. [REDACTED]

14 [REDACTED] Do you want the
15 cell phone?

16 Q. Okay. Are you appearing here today voluntarily?

17 A. Yes.

18 Q. How long have you worked for MSHA?

19 A. Since December the 21st, 2008.

20 Q. What is your current duty station?

21 A. Mount Hope.

22 Q. And you've been there the whole time?

23 A. Yes.

24 Q. What is your present position?

25 A. I guess I would still be a trainee, CMI, because

1 even though I have graduated, I'm still in the
2 probation for --- until next December --- this
3 December.

4 Q. So you are --- you can write citations?

5 A. Uh-huh (yes). Yes.

6 Q. Okay. And you've been at ---? Who is your
7 current supervisor?

8 A. Thomas Moore.

9 Q. Tell us about your mining history and your mining
10 experiences.

11 A. I graduated from Virginia Tech in 1980. I went
12 under ---. Well, I just --- when I was going to
13 school, I worked during the summer at U.S. Steel and
14 United Coal Company. And when I graduated, I started
15 working at --- we had what you would call a
16 contractor's mine. And we did that for a few years.

17 Q. Okay. So you have a Bachelor's in Mining
18 Engineering?

19 A. Yes, sir.

20 Q. Do you have any other specialized training or
21 certifications?

22 A. I did, but I've let a lot of 'em just expire.

23 Q. But do you have any current West Virginia
24 State ---?

25 A. No, no.

1 Q. Okay. What are your areas of responsibility now?

2 A. I guess to inspect mines that --- you know,
3 inspect for hazards and violations and for the safety.

4 Q. Were you the authorized representative second
5 quarter from January to March of '10 at Upper Big
6 Branch? Were you the one responsible ---?

7 A. I was AR, but I was not the lead inspector.

8 Q. When was the last time you inspected at the Upper
9 Big Branch?

10 A. I don't know the date. I know it was on a
11 spot ---.

12 Q. And do you know what type of inspection you were
13 on?

14 A. It was a spot.

15 Q. Okay. Whereabout, the E02?

16 A. Uh-huh (yes).

17 Q. Okay. Did you go underground?

18 A. Yes, I did.

19 Q. Did anyone accompany you during the inspection
20 either from MSHA or from the company?

21 A. Clarence Short was from MSHA and he's a trainee,
22 and Jack Hall.

23 Q. Jack Roles?

24 A. Yeah, Jack Roles. He was present --- he did
25 a ---.

1 Q. Okay. During your --- when you were there on your
2 inspection, did you see him take any notes or any
3 photographs or anything while you were there?

4 A. Not that I recall.

5 Q. Okay. Now I'm going to ask you just say, you
6 know, when you arrived at the mine ---

7 A. Uh-huh (yes).

8 Q. --- and just take us from the time you got on the
9 property and you went into the mine offices. What did
10 you --- what did you do?

11 A. Well, when we first got there, Clarence and I went
12 upstairs, because it's ---. I've never been to that
13 office before because it was the new office. I don't
14 know the name of the new office. It's up on the hill.

15 MS. CRAWFORD:

16 May I answer?

17 ATTORNEY WILSON:

18 If you don't know, you don't know.

19 A. It was the new one.

20 BY MR. GODSEY:

21 Q. Was it Ellis Portal?

22 A. It was Ellis Portal. Okay. We went there and we
23 went upstairs and Everett was not there, so we talked
24 to Jack. And there was some other people there, but I
25 didn't --- I don't know their names.

1 Q. Uh-huh (yes).

2 A. And we went up to the --- and then after that we
3 went down and got dressed. And then Jack got us a
4 ride and we rode up to the longwall.

5 Q. Okay. Matilda, when you went to the mine office
6 what did you --- did you ---? You checked the ---

7 A. Oh, yeah.

8 Q. --- the pre-shift?

9 A. We checked the pre-shift books and the longwall
10 books and the airways and the belts and stuff like
11 that. We looked at 'em to see if there's any
12 violations or see if there's any like things they
13 corrected or what they did or if there was any hazards
14 that they wrote down.

15 Q. Did you look at the up-to-date map, the 1200 map
16 on the wall?

17 A. Yes, we did. We did see one, yes, when we were
18 there.

19 Q. Okay. Did you look at the tracking or anything or
20 the seal monitor system?

21 A. No. We looked at it, but I mean, we didn't have
22 them run us off of a --- off a computer sheet or
23 anything like that to look at what went on.

24 Q. Oh, you didn't see any problem?

25 A. No, no.

1 Q. So I guess all --- you traveled Ellis Portal. Did
2 you check any of the fan or anything --- any of the
3 fan ---

4 A. No.

5 Q. --- charts or anything?

6 A. No.

7 Q. Okay. When you went in --- you went in the
8 track ---?

9 A. It was just a spot, ---

10 Q. Okay.

11 A. --- so we went down the track.

12 Q. Okay. Is the track and belt separated?

13 A. I don't remember. I really don't remember.

14 Q. As you rode on the track, did you --- could you
15 tell which --- could you tell which way the air was
16 traveling?

17 A. When we was ---. I wrote it down. I wrote it. I
18 remember we stopped --- do you have my notes?

19 Q. Yeah.

20 A. I wrote it down.

21 Q. Would that have been on Three, Four, maybe?

22 A. I don't know. I didn't see any dates.

23 WITNESS REVIEWS DOCUMENT

24 A. No, this --- this is a different one. Wait a
25 minute. Let me see. No.

1 BY MR. GODSEY:

2 Q. Is that the one with the clearance?

3 A. The one I'm talking about is --- Clarence on this
4 one? Because I don't think Everett was there that
5 day, so it was Clarence.

6 Q. That's the one I have with Clarence.

7 A. This is the one that's got Clarence on it.

8 Q. Did you go the longwall that day?

9 A. Well, if I talked to Everett, then Everett was
10 there. There was one day he wasn't there that I was
11 just there. He might have been there that day because
12 I spoke with him and Everett and Jack that day. So he
13 must have been in the background because we spoke to
14 him first and then ---.

15 Q. What's the track ---? Going to the track --- did
16 you check the stoppings? You know, what kind of ---?

17 A. Well, you look at 'em. I mean, you look at --- to
18 see if there's any holes or --- you know, if it's like
19 bowed down or if it's got cracks in it or ---

20 Q. So you didn't --- so you didn't see anything ---
21 take any ---?

22 A. When you go down through there you shine your
23 lights on as you go down through the track.

24 Q. Okay. What was the rock dust like beginning from
25 the portal?

1 A. It was pretty good if I'm not ---. See, that was
2 the first time I was up there. I'm trying to go back
3 and figure out what direction that I went in, in those
4 rooms, you know, because it was new to me. And
5 Everett might have been there that day. I'm pretty
6 sure he was, because I spoke to him.

7 Let's see. Everett's here (indicating). Jack was
8 at the very end down here. Yeah, we spoke to him
9 because he said, why don't you all go on a longwall,
10 take a spot. And Wayne, he caught us on the outside.
11 When we come down the steps, he was outside.

12 No, I didn't take the spot, I didn't --- then, no,
13 the air was moving right that day and it was dusty.
14 You know, it was fairly dust pretty good all the way
15 up to the face --- or up to the longwall section.
16 While you have that, what time did you arrive that
17 day?

18 A. 8:30.

19 Q. Okay. So as you --- in the track did you take any
20 gas checks or ---?

21 A. Uh-huh (yes). Uh-huh (yes). Yeah. We took one
22 at 9 Jack on the last --- second break. And we took
23 one at 160.

24 Q. Okay.

25 A. That's the 160 break --- you know, the track 160.

1 Q. Did you say up on the Ellis Portal to the section
2 it's pretty normal and you didn't see anything out of
3 the way ---?

4 A. Uh-uh (no). No.

5 Q. How many airlock doors did the track go through?

6 A. I couldn't tell you.

7 Q. More than two?

8 A. The thing of it is, Wayne went with us, so --- and
9 then he got off somewhere before we got to the
10 inspection, he got off.

11 Q. Are some of the doors manual and some electrical?

12 A. Yes, some manual, some electrical.

13 Q. Did you see any doors that was left open, you
14 know, ---

15 A. No.

16 Q. --- everything was ---?

17 A. Uh-uh (no). Everything was closed.

18 Q. And everything from the doors on up to the ---?
19 What was the conditions of the track up to the mouth
20 of the longwall?

21 A. Okay. Up toward the track ended, it was in good
22 shape, you know, it was dust and stuff, then after
23 that it got kind of moist, so it was kind --- it was
24 wet.

25 Q. Uh-huh (yes).

1 A. And I remember that, that it was damp and --- up
2 until we got to the headgate. And then ---. But the
3 thing up there, they had good air, ---

4 Q. Uh-huh (yes).

5 A. --- and they have decent air and stuff. And they
6 had water sprays. When you look down through there,
7 you could see all the water sprays coming on as they
8 come down through there. So ---.

9 Q. Go ahead. I'm sorry.

10 A. I really didn't see anything that was out of the
11 ordinary, you know.

12 Q. So all the stoppings were up and ---

13 A. Uh-huh (yes).

14 Q. --- the curtains and all?

15 A. Uh-huh (yes).

16 Q. Did you check the curtains along the headgate, the
17 one that directs the air across the longwall, you
18 know, the ones that ---?

19 A. Uh-huh (yes).

20 Q. Okay.

21 A. Yeah.

22 Q. Did they have much pressure on 'em, if you
23 remember?

24 A. I don't think so. They were pretty much --- you
25 know, they weren't like had a lot of pressure on 'em.

1 They had --- they did have a crack like you have the
2 curtain here (indicating), ---

3 Q. Uh-huh (yes).

4 A. --- the opening here, you know. But that's
5 normal.

6 Q. Well, did you see heaving or anything around the
7 longwall, headgate or over towards the entry or
8 whatever, or did you notice?

9 A. I have to think now because ---

10 Q. Okay.

11 A. --- when you're there off the mine, then you have
12 to think back, you know, just like with Everett, you
13 know, I didn't ---. I didn't see any heaving as far
14 as on the --- you know, on the floors as you come up
15 toward the headgate.

16 Q. Uh-huh (yes).

17 A. I didn't see any heaving up there.

18 Q. Did you get a chance to look behind those curtains
19 to see what conditions were in behind there?

20 A. I did look behind the curtain.

21 Q. What was it? What you'd see?

22 A. It was just --- it was just where it all fell in.

23 Q. Was any water in ---?

24 A. Not that I noticed.

25 Q. Okay.

1 A. Not that I noticed.

2 Q. Did you take a total cfm reading going to the
3 headgate?

4 A. Took one at the last open break.

5 Q. What did you have on that?

6 A. 121972.

7 Q. Okay. Do they use belt air up there?

8 A. What do you mean by that?

9 Q. Use belt air to ventilate the face with? In other
10 words, the intake and the belt air come together and
11 goes across the face.

12 A. In the longwall --- if they are ---.

13 Q. You know, I'm just curious.

14 A. You know, I didn't ---. I didn't really pay much
15 attention to it. I know that the air comes --- let me
16 think. The air came down and then it cut across the
17 headgate and, you know, across the face of the ---.

18 Q. Okay. I didn't know whether ---. I was asking
19 --- do you think ---? Did it go outby the --- did you
20 check if it went outby or coming inby, just all inby
21 towards the headgate?

22 A. Outby or inby?

23 Q. In other words, were they directing air down the
24 belt or up the belt?

25 A. Let me think. I have to really think about this

1 now because I'm ---. The air was going this way

2 (indicating) ---

3 Q. Uh-huh (yes).

4 A. --- down --- well, don't worry about the map.

5 It's going this way and then it was coming across and

6 it was flowing this way.

7 Q. Across the face?

8 A. Uh-huh (yes).

9 Q. Okay. Did you take a velocity at the head of the
10 gate?

11 A. Head of the gate?

12 Q. Yeah, headgate, velocity, you know, like a hundred
13 feet or so of the headgate?

14 A. Uh-huh (yes).

15 Q. Could you tell me what ---?

16 A. No, you mean ---? We're talking about the last
17 open break --- was when ---?

18 Q. Yeah. I'm just talking about the velocity you're
19 required to take on the longwall.

20 A. Okay. I took one at Number Nine here ---

21 Q. Okay.

22 A. --- and I took one at Number 160.

23 Q. Did that reveal about what you saw in the
24 pre-shift book?

25 A. Uh-huh (yes). Pretty much close. Yes, it was.

1 Q. When you were --- did the longwall have much water
2 on it, I mean on the floor?

3 A. No, because --- well, there was some, but I
4 figured that was probably from where they was spraying
5 so much water from them coming down. But as far as
6 having puddles ---

7 Q. Uh-huh (yes).

8 A. --- overtop of the jacks --- the feet --- there
9 wasn't any here. I mean, there wasn't --- there was
10 some, but it wasn't like slosh, slosh, slosh, you
11 know. It wasn't like over your boots or anything like
12 that.

13 Q. Do they keep it relatively clean, doing the jacks?

14 A. They did that day. I mean, I didn't see
15 anything ---.

16 Q. Did you take any reading near the floor within a
17 foot of the floor behind the --- on the pan or
18 anything? I'm looking for floor --- if they'd make
19 any methane on the floor.

20 A. No, I didn't. No, I didn't take the ---.

21 Q. Did you find ---?

22 A. I mean, when I take --- when I go with my methane
23 spotter, ---

24 Q. Uh-huh (yes).

25 A. --- I do go up and down, but I don't write floor

1 or the top. You know, when you check it, you just
2 check the whole ---.

3 Q. Well, did you ever know of any floor feeders or
4 anything, methane coming out of the floor there on
5 that longwall?

6 A. No, I never noticed that.

7 Q. Okay. Did you watch 'em run the shearer that day?

8 A. Yes, I did.

9 Q. Did you notice the methane monitor on the
10 shear ---?

11 A. I never noticed it, but ---.

12 Q. Did you have any ---? That's what I'm saying,
13 just ---.

14 A. No, no. I didn't --- I didn't --- you know, when
15 we were ---. It never like cut off or anything like
16 that. And, you know, when we watch the shearer, we
17 watch it down here. We don't watch it right where
18 they're at.

19 Q. Okay. Do they have ---? How many methane
20 monitors do they have just --- placed on the longwall?

21 A. I couldn't tell you.

22 Q. Okay. Did you make it all the way down to the ---
23 all the way across the face?

24 A. We did.

25 Q. Did you go to the tailgate?

1 A. Did we go all the way to the tailgate? I don't
2 remember that specific day if we did or not. I'd say
3 we did because they stopped the shearer down here and
4 changed the bits.

5 Q. Okay.

6 A. So they let us walk all the way up and it got
7 pretty low near the end.

8 Q. Do they ---? I don't know if you --- you probably
9 said you didn't make it down there, but are you aware
10 of them ever running a trickle duster or anything in
11 the tailgate entry? As they mine they constantly ---.

12 A. I don't know. I don't know.

13 Q. Did you notice which way the air was going if ---
14 did it go out the tail and back towards the fan or did
15 it go out and go down towards the --- out the
16 tailgate, or could you tell?

17 A. I couldn't tell. I mean, it just went out, but
18 when we got up there --- you got to understand when we
19 went up there there was no ---. They weren't mining.

20 Q. Okay. Did you talk to any of the miners up there
21 while you were up there?

22 A. I talked to some of them.

23 Q. Did any of 'em say anything to you about the
24 conditions or about anything they was concerned with?

25 A. I asked them. I remember I asked them, you know,

1 was there a problem or, you know, and they said no.

2 Q. Were you ever --- were you aware of any ---? In
3 the past, we're going back to the past a little bit.

4 In behind the headgate there on that Number One north
5 headgate, did you ever hear any problems they had with
6 roof back in there in those entries?

7 A. Was I aware of any?

8 Q. Uh-huh (yes).

9 A. No, I wasn't aware of any. No.

10 Q. Did you know of any water that they had trouble
11 with?

12 A. Let me think. You know, I really don't know. I
13 mean, you know, I'm trying to think back.

14 Q. Okay. On 2/18/10 you discussed ventilation
15 problems with Gary May and Mike Hicks, I think, is the
16 name. What was the problem that you were discussing
17 with them, ventilation problem?

18 A. Okay. Let me have my notes because I have all
19 those places wrote down.

20 Q. They should be the end or from the most previous
21 to ---.

22 WITNESS REVIEWS DOCUMENT

23 A. All right. What that was ---.

24 BY MR. GODSEY:

25 Q. It was on 2/18.

1 A. Okay. That was the barrier section ---

2 Q. Uh-huh (yes).

3 A. --- and they were rehabilitating the barrier
4 section to start a new section up there. They were
5 not mining virgin coal, they were just cleaning up.

6 Q. Uh-huh (yes).

7 A. And that was about --- Mike Hicks wanted them to
8 go down and check the point of intake ---. And Jason
9 Whitehead said that according to --- whatever,
10 according to standards and stuff he didn't have to
11 have it. That's what all that was about.

12 Q. Okay. And the day after that, I think you spoke
13 with --- I think it's in your note. You spoke with
14 Mike Hicks, Link Selfe, Joe ---

15 A. Mackowiak.

16 Q. --- Mackowiak and Pete Stone and Mike Haines, I
17 think ---

18 A. Uh-huh (yes).

19 Q. --- about some ventilation problems. Is that the
20 same ones you're talking ---?

21 A. Uh-huh (yes). Because this ---. All right, now,
22 this wasn't my ventilation problems. What this was
23 was, I just happened to be there that day and they
24 needed someone to go down there and to terminate a
25 citation.

1 Q. Uh-huh (yes).

2 A. Then they called me downstairs and they went over
3 this ventilation problem here, so this wasn't my
4 finding.

5 Q. Was that the one with the barrier section?

6 A. Uh-huh (yes).

7 Q. Okay.

8 A. This wasn't my finding, it was their finding.

9 Q. Okay. Did you ever have any problems with
10 ventilation ---? I'm off the longwall a little bit
11 right now, but any --- while you were there, any air
12 reversals or places you --- check points you couldn't
13 get to?

14 A. Number Four section.

15 Q. Okay.

16 A. It was in Four section. We had to walk ---.

17 Q. What were the problems there?

18 A. I was traveling on the ---. What does this say?
19 Number Two, Number Four section. Oh, that's not it.
20 Anyway, we went up on the return.

21 Q. I think it was 12/30/09. I think the date was on
22 it.

23 A. 12/30. That was a different one. The only time I
24 ran into any type of ventilation going the wrong
25 direction was I was down in the return on Number Four

1 section and I was with Jim. Okay. Rick Foster. And,
2 yeah, 12/30. I couldn't remember. But it was going
3 in the wrong direction on ---. We were down there ---
4 we were walking that return, ---

5 Q. Uh-huh (yes).

6 A. --- and we had to go up to each entry and check
7 the regulators up there and it was going in the wrong
8 direction.

9 Q. What was causing that?

10 A. You know, I don't know.

11 Q. Do you know how they corrected it?

12 A. No, because I didn't terminate the citation.

13 Q. Another inspector went back and did that?

14 A. Uh-huh (yes).

15 Q. Okay.

16 A. Yes.

17 Q. And on the same day there you said that --- I
18 think it was MP10, number 10. You could not get there
19 because of the water, I think, is a previous
20 violation?

21 A. Uh-huh (yes). That was previous.

22 Q. How long had that existed?

23 A. I don't know, without seeing the previous
24 citation.

25 Q. Okay. Did they company, did they try to get on

1 these citations pretty fast or did they let 'em linger
2 or ---?

3 A. I really --- I really can't say because I wasn't
4 there enough to know how long they let these citations
5 --- you know what I'm saying? I couldn't tell you how
6 long this was out, how long this was out because when
7 you just go and help somebody, you don't know how long
8 they was standing before they're corrected.

9 Q. Okay. On 12/21/09 I think you --- the notes said
10 you were with Kevin Lyall and Johnny Syner or ---. I
11 don't know if that's the correct ---.

12 A. Uh-huh (yes). Johnny Syner.

13 Q. And they was making a ventilation change?

14 A. Yes.

15 Q. And did you --- could you go over that, what they
16 were trying to do or was it approved or submitted
17 or ---?

18 A. It was approved to do that, but it seemed like
19 everything they tried there wasn't going the right
20 direction. They had ---.

21 Q. Do they have an individual there, at UBB, that is
22 responsible for ventilation? In other words, like a
23 ventilation supervisor or --- who's supposed to take
24 care of all this?

25 A. I don't know. That I couldn't tell you.

1 Q. Have you ever had any problems with them ---?

2 Well, did you have any violations on that day, the
3 last day you were there?

4 A. On the spot?

5 Q. Uh-huh (yes).

6 A. No.

7 Q. So everything was ---? And how did you exit?
8 When you left the mine, did you ---?

9 A. The same way we came in.

10 Q. And you saw --- any problem?

11 A. Uh-uh (no), on the spot.

12 Q. Who did you close out with that day?

13 A. The close-out was with Jack, Jack Roles.

14 Q. And all the doors were still closed?

15 A. They closed them as we come out. They were closed
16 when we went out.

17 Q. What was the conditions of it? What was the
18 condition of the doors?

19 A. The doors were okay.

20 Q. They hadn't been hit with ---

21 A. Not at that time, ---

22 Q. --- equipment? Okay.

23 A. --- that I could tell.

24 Q. Have you ever been the authorized resident
25 assigned to the Upper Big Branch Mine?

1 A. No.

2 Q. Have you conducted or assisted in any inspections
3 prior to last --- the last quarter I'm speaking of,
4 the January quarter? Did you do spot inspections or
5 assisted on E01?

6 A. Prior to when?

7 Q. January '10 --- from October --- from October to
8 December '09.

9 A. Well, yeah. It was when I went with, ---

10 Q. Okay.

11 A. --- you know, Rick Foster and --- to help Kevin
12 Lyall in that inspection. We was doing that.

13 Q. And you went multiple times, I believe?

14 A. A couple --- few times.

15 Q. Okay. Did anyone who traveled with you, did they
16 take any notes or photographs or ---?

17 A. I never really seen them take photographs.

18 Q. Okay.

19 A. They might have taken a couple notes. And that's
20 if, you know, they noticed something that they need to
21 ask somebody or something like that, you know, or if
22 you ---. Like when I went with Rick and when we went
23 and found that air going back, which he wrote down,
24 and the water was ---. He wrote it down, things like
25 that.

1 Q. Oh, did you talk to ---? Did you ever talk to the
2 other inspector who terminated that, who corrected it,
3 when it --- found it to be corrected? When the wire
4 was reversed, did you ever ask him what --- how
5 they ---?

6 A. No. You mean Kevin?

7 Q. Uh-huh (yes).

8 A. I think Kevin must have since he was going to be
9 the inspector.

10 Q. Well, did you ever discuss with --- I know maybe
11 one time there with district ventilation personnel
12 with any problem that you were aware of or something
13 that you was wanting to bring to their attention that
14 maybe needed ---?

15 A. At UBB?

16 Q. Uh-huh (yes).

17 A. Uh-uh (no). I don't think so. Not that I
18 remember.

19 Q. Okay. When did you last visit 22 Headgate section
20 or have you been on there?

21 A. I've been on it. I think I've been on it. I'll
22 have to look and see. I don't remember.

23 Q. It's this section right --- right here
24 (indicating).

25 MR. GODSEY:

1 Give me a map.

2 BY MR. GODSEY:

3 Q. There's the longwall ---.

4 A. This is 22 Headgate.

5 Q. It's over 29 ---.

6 A. Okay. I was at 23 Headgate, ---

7 Q. Okay.

8 A. --- section Two.

9 Q. I think they may have changed that name.

10 A. To 23?

11 Q. I think they may have changed it.

12 A. Or was it from 23 to 22?

13 Q. I think they did.

14 A. Okay. Let's see, that was on November the 5th.

15 Q. So they had probably ---? How far were they ---?

16 Can you remember how far they had developed it?

17 A. Uh-uh (no).

18 Q. Okay. Do you remember going ---? Going up
19 there, you probably ---. Did you notice all their
20 ventilation controls, rock dust and stuff?

21 A. I know Everett went up with us. I can't remember.

22 I mean, I remember ---. As far as I can remember,

23 they were running a section up here and I can't

24 remember who was the section boss, but it was in ---

25 it was in good shape, that I could tell. You know, it

1 looked like it was being maintained as it was going
2 up.

3 Q. Okay. You don't remember if you found any methane
4 or do you remember if you seen any methane or ---?

5 A. No.

6 Q. Okay. Do you have any records on whether you
7 watched the mine develop any?

8 A. No. I went up there and watched them mine coal.

9 Okay? I had a problem with 'em and I brought it up to
10 'em, that they were --- they could have the bolter in
11 the return at least once in a cycle, but I remember
12 that because I spoke to him about that.

13 Q. Did you happen to notice anything on the methane
14 monitor on the miner? On your spot, did you ever find
15 any?

16 A. No. And I watching. No, I didn't.

17 Q. And was the air ---

18 A. It was good.

19 Q. --- going in the ---

20 A. Uh-huh (yes).

21 Q. --- correct direction?

22 A. Uh-huh (yes). Plus I did roof bolt and air, and
23 when I went up to the miner, I looked at that and
24 watched them mine coal and stuff.

25 Q. Do you remember how many open breaks they had on

1 the return?

2 A. No, I couldn't ---.

3 Q. And how about the roof condition?

4 A. It was okay, as far as I remember. It was okay.

5 There was not like any --- you know, I couldn't see
6 like a lot of cracks or anything like that.

7 Q. Did you see any ribs taken away or any heaving
8 along ---

9 A. Uh-uh (no).

10 Q. --- the rib line?

11 A. Now, let me think. No, because I would have wrote
12 down if there was some type of heaving.

13 Q. Did they have any water, any ---?

14 A. No, it --- it was pretty dry.

15 Q. How about on the way up or --- did they have
16 localized water? Did they have --- on the track and
17 stuff, did they have ---?

18 A. That was a long trip up there, ---

19 Q. Uh-huh (yes).

20 A. --- I remember that. I can't remember. I mean, I
21 really can't remember. There's travel tracks and I
22 just seen pumps here and there ---.

23 Q. But as far as you know, the methane and oxygen and
24 everything was ---

25 A. Uh-huh (yes). It was fine.

1 Q. --- pretty normal?

2 A. According to my spotter, it was fine.

3 Q. Okay. Did you ever go up into this area, what
4 they call 8 or 9 North?

5 A. Eight or 9 North?

6 Q. Uh-huh (yes).

7 A. That was after --- that was ---. Let's see. What
8 --- did they have another name for it? Because I
9 don't remember. I really don't remember 8 or 9 North.
10 Is there another name for that?

11 ATTORNEY WILSON:

12 I'm not sure. It seems like someone may
13 have referred to it as something else earlier, but it
14 escapes me.

15 A. I couldn't tell you, unless there's another name
16 for it.

17 BY MR. GODSEY:

18 Q. What about the Glory Hole, did you --- was you
19 ever in this area?

20 A. Not that I remember. I know we were close to it,
21 but as far as ---. The Glory Hole. I know you hear
22 everybody talk about it, but I don't think I've ever
23 been there, you know. Now, I can't say I haven't been
24 there. I mean, I don't think I have been. Glory
25 Hole. The Glory Hole. I'm trying to ---. The thing

1 of it is, is when you travel with somebody else,
2 sometimes they go places and you don't know --- not
3 necessarily, but like when I travel with another
4 inspector, we might have went there and I just don't
5 have it down as when I was there.

6 Q. Okay.

7 A. You know what I'm saying? That's the best I can
8 answer you --- answer you on that Glory Hole.

9 Q. Okay.

10 A. Okay.

11 Q. Back to the longwall. Have you ever been to the
12 back end, towards the Bandytown fan, back in behind
13 here (indicating), back in behind the longwall?

14 A. No.

15 Q. You've never been back there?

16 A. Now, I can't ---. You know, the thing of it is,
17 you ask me questions that I can't tell you if I have
18 or not because I might have been there with --- you
19 know, ---

20 Q. Uh-huh (yes).

21 A. --- when we first started they might have taken me
22 way down there, but as far as me going by myself, that
23 I know of, no, I don't remember going down there.

24 Q. How would you say that ---? I may have asked you
25 this. Was the roof supported adequately, do you feel,

1 from the Ellis Portal all the way to the areas
2 you ---?

3 A. Uh-huh (yes). The areas that I was, yeah, that I
4 was in.

5 Q. Can you remember what type of immediate roof they
6 have, in the majority of the places?

7 A. No. No.

8 Q. Okay. Did you ever take any photographs or
9 anything?

10 A. Nothing on that.

11 Q. Are you aware of any complaints lodged against
12 this mine?

13 A. I never went on a complaint, but no ---. They
14 might have, but I don't know of any.

15 Q. Okay. Are you aware of any conditions which
16 require all or portions of the mine to be evacuated?

17 A. They talk of it, but me, myself and I, I've not
18 been there when they did. Okay?

19 Q. Okay. Are you aware of any times like oncoming
20 shift or --- have they been cancelled due to methane
21 problems or any other problem at the mine?

22 A. No.

23 Q. Okay. If you see on the mine map, it shows a
24 three-year gap in longwall production. Do you know
25 why?

1 A. No.

2 Q. Okay. Also on that, various portions of longwall
3 panels were skipped. Do you have any --- you know,
4 where they take the longwall down and they skipped a
5 area ---?

6 A. No, not that I know of. No.

7 Q. Have any miners ever approached you during the
8 inspection with concerns regarding unsafe mining
9 conditions at the mine?

10 A. No, not me.

11 Q. At any time during the inspection, did you have
12 any concerns regarding the mining conditions at the
13 Upper Big Branch Mine?

14 A. Like what type of mining conditions?

15 Q. Did you have ventilation problems, roof problems,
16 people problems, or did anybody give you any problem,
17 you know, any management people give you a hard time
18 or ---?

19 A. Oh, no, they didn't --- management didn't give me
20 a hard time. You know, in our minds you worry about
21 the roof ---

22 Q. Uh-huh (yes).

23 A. --- and you look for the roof and --- and it does
24 --- sometimes you get a little bit concerned, you
25 know, just say something to 'em, but like with the air

1 going backwards down there in Number Four, yes, I
2 asked them about it, you know.

3 Q. Are you aware of the company submitting several
4 revisions to the ventilation plan, pretty often?

5 A. I am aware of that.

6 Q. Okay. Does the District, do they coordinate with
7 you and your supervisor on ventilation revisions
8 or ---?

9 A. Not --- not with me.

10 Q. In other words, you could --- you could --- there
11 could be a plan that could have been approved today
12 and you go out this evening, you wouldn't know
13 anything about it?

14 A. If I was the lead inspector, I would know.

15 Q. Okay. All lead inspectors would know that?

16 A. They should. I mean ---.

17 Q. I mean, would they coordinate with all the
18 supervisors and the inspectors at that mine every time
19 they approve a revision?

20 A. I don't know.

21 Q. Okay.

22 A. I know whenever something comes in while I'm in
23 the lead inspector or whatever, it's in my box, so I
24 look every day in my box to see if there's stuff in my
25 box.

1 Q. So going back one more time. Do you have --- did
2 you ever or have you ever detected methane or so on in
3 the sections or any of the air courses?

4 A. I don't know. I can look at my notes and see, but
5 to say yes or no, I can't.

6 Q. Uh-huh (yes).

7 WITNESS REVIEWS DOCUMENT

8 A. Okay. I have a .05 on Two, Three and Four, on
9 11/23rd. This is on the Number One section.

10 BY MR. GODSEY:

11 Q. Which is the Number One section?

12 A. I don't know. Unless it's marked. I'll have to
13 look and see what MMU I'm on. See, I have that ---.
14 All this was in one section. Are you guys freezing?
15 Number One section. I'm looking at 22 again. It's
16 called 23, I know.

17 ATTORNEY WILSON:

18 We're off the record. Wait. Let's go
19 off the record for a second.

20 A. Okay.

21 OFF RECORD DISCUSSION

22 ATTORNEY WILSON:

23 Let's go back on.

24 A. Okay.

25 ATTORNEY WILSON:

1 Matilda, do you know exactly where that
2 was on that date that you detected the methane?

3 A. No, I don't.

4 ATTORNEY WILSON:

5 Okay.

6 BY MR. GODSEY:

7 Q. Ms. Collins, did you ever travel the belt lines?

8 A. Uh-huh (yes).

9 Q. Okay. Did you check the CO monitor?

10 A. Uh-huh (yes).

11 ATTORNEY WILSON:

12 That's a yes?

13 A. Yes. But down on this one down here, I traveled
14 with Kevin Lyall on it, on the belt lines. And I
15 can't remember who the other person was, but that was
16 when --- that was like before I became ---.

17 BY MR. GODSEY:

18 Q. Okay. What was the condition? How did they
19 maintain them?

20 A. A lot of 'em were wet. I do know that they were
21 wet.

22 Q. Okay. Did they have many pumps down through
23 there?

24 A. A lot ---. Well, I can't say a lot. Every now
25 and then you'd run into a pump, ---

1 Q. Okay.

2 A. --- you know, but they weren't like on the belt
3 line, they were like at the head drive or, you know,
4 places of that nature.

5 Q. Okay. We'll leave the mine, that part, then we'll
6 go to the April 5th accident, if you don't care.

7 A. Okay.

8 Q. When and how were you notified of the April 5th
9 accident?

10 A. When I got back to the office.

11 Q. That was on the 5th. Do you know what time?

12 A. It was on the 5th. No, it was --- no, I don't
13 know what time.

14 Q. Were you involved in the rescue and recovery
15 efforts at the mine?

16 A. No.

17 Q. Did you go to the mine?

18 A. No.

19 Q. Okay. So you hadn't even --- none at all then?

20 A. Uh-uh (no). No.

21 Q. Did any miner approach you or miners approach you
22 following the accident of April 5th regarding unsafe
23 mining conditions at Upper Big Branch?

24 A. No.

25 Q. Okay. Do you have anything that you would like to

1 add that may be relevant to this investigation, any
2 information that you know of?

3 A. No.

4 ATTORNEY WILSON:

5 Terry?

6 EXAMINATION

7 BY MR. FARLEY:

8 Q. Ms. Collins, I have copies of your Upper Big
9 Branch Mine notes from October 26th of last year
10 through March 4th of this year, ---

11 A. Uh-huh (yes).

12 Q. --- each of your visits. When you made your
13 notes, did you generally note every section or area of
14 the mine that you visited?

15 A. I didn't ---. Well, how do I put this? If I went
16 to the section, ---

17 Q. Uh-huh (yes).

18 A. --- that's mostly what my notes were about.

19 Q. Okay.

20 A. I didn't particularly write notes like I would say
21 traveled to track two.

22 Q. Okay.

23 A. But like as far as stopping at each door and
24 making a note ---.

25 Q. Yeah, yeah. But the notes indicate that you were

1 talking about the longwall section and ---?

2 A. Uh-huh (yes). Right.

3 Q. So if I were to read your notes, they'd probably
4 give me a pretty good idea ---

5 A. Where I was at.

6 Q. --- as to various sections you visited during your
7 times at Upper Big Branch; correct?

8 A. Right.

9 MR. FARLEY:

10 Okay. Thank you. That's all.

11 EXAMINATION

12 BY MS. MONFORTON:

13 Q. Ms. Collins, just a couple of questions for
14 clarification. You mentioned a couple times someone
15 named Everett?

16 A. Everett Hager. He's the superintendent.

17 Q. Okay. Thank you. And you've been an MSHA
18 employee since December of 2008. When did you get
19 your AR card?

20 A. October. About the middle of October, near the
21 end of October of 2009.

22 Q. Okay. And after you graduated from Virginia Tech
23 in 1980 and worked at U.S. Steel, what type of jobs
24 did you have in the mine?

25 A. Well, I didn't work at U.S. Steel after I

1 graduated. I worked at U.S. Steel when I was going to
2 college.

3 Q. Okay.

4 A. Okay.

5 Q. And so ---?

6 A. I worked at --- well, when I worked at United, I
7 was going to school, I did mapping. When I got out
8 and I went to work --- well, it was my father and my
9 brother, so I had a contract mine. We just did about
10 everything, ran equipment, dust a little, fire bossed
11 a little.

12 Q. Great. Thank you. And so you've been a full-
13 fledged AR since October of 2009?

14 A. Yes.

15 Q. And you would have been a lead inspector --- do
16 you have some mines that you're the lead inspector?

17 A. Uh-huh (yes).

18 Q. And what's been your experience when you talk with
19 miners, just generally, when you go in the inspection
20 and you talk with miners? How do you engage them in
21 trying to get them to find out about any problem they
22 might have.

23 A. Well, usually you just go up and you just start
24 talking to 'em and then you can get into ---. I
25 usually just kind of ask them, do you see a problem or

1 have you noticed anything?

2 Q. Uh-huh (yes).

3 A. You ask them, you know, how's the top? Is there a
4 crack? Do you have water? Is it holding good?

5 Q. Uh-huh (yes).

6 A. Are you getting good return on your flow?

7 Q. And what kind of range of responses do you get?

8 A. Sometimes like --- like it depends on the mines
9 that you're at. Like some of 'em will tell you,
10 there's water 15 inches to 30 inches up. Some of 'em
11 will say the top is good.

12 Q. Uh-huh (yes).

13 A. And then you watch the box and see if they got
14 good return on their --- see if it's coming back out
15 some.

16 Q. And at the times that you were at the Upper Big
17 Branch Mine, what kind of conversation did you have
18 with miners?

19 A. About the same.

20 Q. Uh-huh (yes).

21 A. As far as I can --- well, I can't really ---. As
22 far as I can remember, when I would talk to them about
23 the roof conditions, they didn't have anything to say
24 like, oh, we've got this problem, that problem, stuff
25 like that. I mean, I don't remember any of them

1 telling me anything like that.

2 Q. Who was the lead inspector for this mine?

3 A. When?

4 Q. Like in the last six months or a year, do you
5 know?

6 A. They had different ones.

7 Q. Different ones. Okay. So every quarter they
8 would change lead inspectors?

9 A. Sometimes, sometimes not, that I can remember. I
10 mean, I traveled with Bill Bane when I was a trainee
11 and he was the lead inspector.

12 Q. So in the Mount Hope office, did you usually know,
13 you know, who's assigned to what mines? How does that
14 work?

15 A. There's a listing. I mean, there's a list you can
16 see.

17 Q. Okay.

18 A. Yeah. Or if you talk to 'em or whatever.

19 Q. Okay. And so when you're asked or you offer to go
20 and help a lead inspector because you know they're
21 falling behind or they need ---

22 A. Uh-huh (yes).

23 Q. --- some extra help, what's kind of the procedure
24 to get up to speed, so to speak, on what's been going
25 on at the mine?

1 A. I would sit and talk to 'em. I mean, you know,
2 you just go in and talk to 'em and ask them where
3 they're behind at and what conditions to look for
4 and ---

5 Q. Okay.

6 A. --- that kind of thing.

7 Q. And the last thing ---?

8 A. Then you check your books. You check it.

9 Q. Okay. Thanks. When you travel with another
10 inspector and you're not the lead inspector, ---

11 A. Uh-huh (yes).

12 Q. --- is there an expectation that you would also
13 take notes or ---?

14 A. If you're ---. Like before when we were trainees,
15 we would take notes.

16 Q. Okay.

17 A. And even as an inspector just traveling with
18 another inspector, you take notes.

19 Q. And so those notes together can help support a
20 citation or what would be the purpose of those
21 additional set of notes?

22 A. I guess if they contest it, yes, I guess they
23 could pull 'em to see.

24 MS. MONFORTON:

25 That's all.

1 ATTORNEY WILSON:

2 John? Terry?

3 MR. O'BRIEN:

4 No, sir.

5 MR. FARLEY:

6 No.

7 ATTORNEY WILSON:

8 Okay. Ms. Collins, on behalf of MSHA and

9 the Office of Miners' Health, Safety and Training, I

10 want to thank you for appearing and answering

11 questions today. Your cooperation is very important

12 to the investigation as we work to determine the cause

13 of the accident. Because we will be interviewing

14 other witnesses, we require that you not discuss your

15 testimony here today with any other person aside from

16 your personal representative.

17 A. Okay.

18 ATTORNEY WILSON:

19 After questioning other witnesses, we may

20 call you if we think of any follow-up questions that

21 we would like to ask you. If at any time you become

22 aware of additional information that you would like to

23 provide to us, please contact Norman Page at the phone

24 number that's been provided to you.

25 A. Okay.

1 ATTORNEY WILSON:

2 At this time I want to give you an
3 opportunity to make any sort of a statement that you
4 may like to make or go over any of your previous
5 answers that you'd like to clarify.

6 A. I don't have any right now, no.

7 ATTORNEY WILSON:

8 Okay. Thank you. Again, we appreciate
9 your cooperation in this matter. Go off the record.

10

11

* * * * *

12

STATEMENT UNDER OATH CONCLUDED AT 3:41 P.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

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



Brett Steele