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Transcript of the Testimony of Derek Williams

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STATEMENT UNDER OATH

OF

DEREK WILLIAMS

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Tuesday, August 17, 2010, beginning at 3:00 p.m.

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

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ATTORNEY BABINGTON:

My name is Matt Babington. I'm with the
Office of the Solicitor, U.S. Department of Labor.
With me is Erik Sherer, an accident investigator with
the Mine Safety and Health Administration, MSHA, an
agency of the U.S. Department of Labor. Also present
are several people from the State of West Virginia. I
ask that they state their appearance for the record.

MR. FARLEY:

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

ATTORNEY KOERBER:

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

MS. MONFORTON:

And I'm Celeste Monforton, with the
Governor's independent team.

DEREK WILLIAMS, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

1 ATTORNEY KOERBER:

2 Sir, would you please state your full
3 name for the record and spell your last name?

4 A. Derek Allen Williams, W-I-L-L-I-A-M-S.

5 ATTORNEY KOERBER:

6 And would you please state your address
7 and your telephone number?

8 A. [REDACTED]

9 [REDACTED]

10 ATTORNEY KOERBER:

11 And are you represented by an attorney
12 for purposes of this interview?

13 A. No.

14 ATTORNEY KOERBER:

15 Do you have any personal representative
16 that you would like to sit in with you?

17 A. No.

18 ATTORNEY KOERBER:

19 Are you here today as a result of being
20 served with a subpoena?

21 A. Yes.

22 ATTORNEY KOERBER:

23 I'm going to hand you a copy of the
24 subpoena and ask, does that look like a copy of the
25 subpoena you received?

1 A. Yes.

2 ATTORNEY KOERBER:

3 I'd like this to be marked as Exhibit

4 One.

5 (D. Williams Exhibit One marked for

6 identification.)

7 ATTORNEY KOERBER:

8 As Exhibit Two I'd like to have marked

9 the green card that was signed by a Roger Williams,

10 which is probably some kin to you, ---

11 A. It's my father, yes.

12 ATTORNEY KOERBER:

13 --- evidencing service on 8/4/10. That

14 would be Exhibit Two.

15 (D. Williams Exhibit Two marked for

16 identification.)

17 ATTORNEY KOERBER:

18 The subpoena compelled your attendance

19 this morning at 9:00 a.m., and now it is 2:30 in the

20 afternoon. There was a telephone conversation on

21 August 12th between you and I where we negotiated a

22 change in the time; is that correct?

23 A. Yes.

24 ATTORNEY KOERBER:

25 And did I send you a confirmation letter

1 saying that you were going to appear at 2:30 today ---

2 A. Yes, sir.

3 ATTORNEY KOERBER:

4 --- as opposed to 9:00 a.m.? Is that a
5 copy of that letter?

6 A. Yes, it is.

7 ATTORNEY KOERBER:

8 Would you please mark that as Exhibit
9 Three?

10 (D. Williams Exhibit Three marked for
11 identification.)

12 ATTORNEY KOERBER:

13 And I'm going to hand it back over to

14 MSHA. Excuse me. One more question. I apologize.

15 Sir, under the statute that authorized the director to
16 subpoena witnesses to interviews such as this, the
17 statute requires the Director to provide a \$40 a day
18 witness fee plus mileage at the rate of 15 cents a
19 mile if you traveled in your own personal vehicle,
20 plus reimbursement of any tolls you may pass to and
21 from here to home. In order to receive that money you
22 must fill out two forms. One is an IRS Form W-9,
23 which requires you to provide your Social Security
24 number to us, and another is a form where we just do a
25 little name, address and the calculation of the money

1 owed to you. Sir, you are certainly welcome to that
2 money and you can fill out the forms at the end of
3 this interview if you would like to receive that
4 money, or you can decline that money. But you have to
5 state whatever your choice is for the record now.

6 A. I decline.

7 ATTORNEY KOERBER:

8 Thank you.

9 ATTORNEY BABINGTON:

10 All members of the Mine Safety and Health
11 Accident Investigation Team and all members of the
12 State of West Virginia Accident Investigation Team
13 participating in the investigation of the Upper Big
14 Branch Mine explosion shall keep confidential all
15 information that is gathered from each witness who
16 voluntarily provides a statement until the witness
17 statements are officially released. MSHA and the
18 State of West Virginia shall keep this information
19 confidential so that other ongoing enforcement
20 activities are not prejudiced or jeopardized by a
21 premature release of information. This
22 confidentiality requirement shall not preclude
23 investigation team members from sharing information
24 with each other or with other law enforcement
25 officials. Team members' participation in this

1 interview constitutes their agreement to keep this
2 information confidential.

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

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

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

7 A. Yes.

8 ATTORNEY BABINGTON:

9 Do you have any questions?

10 A. No.

11 ATTORNEY BABINGTON:

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

22 The court reporter will record your
23 interview. Please speak loudly and clearly. If you
24 do not understand a question asked, please ask the
25 interviewer to rephrase it. Please answer each

1 question as fully as you can, including any
2 information you've learned from someone else. I'd
3 like to thank you in advance for your appearance here.
4 We appreciate your assistance in this investigation.
5 Your cooperation is critical in making the nation's
6 mines safer.

7 After we've finished asking questions,
8 you'll have an opportunity to make a statement and
9 provide us with any other information that you believe
10 to be important. If at any time after the interview
11 you recall any additional information that you believe
12 might be useful, please contact any of us at the
13 contact information previously provided.

14 Finally, any statements given by miner
15 witnesses to MSHA are considered to be an exercise of
16 statutory rights and protected activity under Section
17 105(c) of the Mine Act. If you believe any discharge,
18 discrimination or other adverse action is taken
19 against you as a result of your cooperation with this
20 investigation, you're encouraged to immediately
21 contact MSHA and file a complaint under Section 105(c)
22 of the Act. Terry?

23 MR. FARLEY:

24 Mr. Williams, on behalf of the Office of
25 Miners' Health, Safety and Training, I'd like to also

1 advise you that the West Virginia Coal Mine Health and
2 Safety Regulations also provide for protection against
3 potential discrimination for participating in these
4 type interviews. I'm going to pass along some contact
5 information for the West Virginia Board of Appeals.
6 They hear complaints from miners concerning
7 discrimination. And should you have a problem, you
8 should contact them at that address. I'll also give
9 you my phone number and one for Bill Tucker in case
10 you need any assistance. I would caution you that any
11 complaint has to be made within 30 days of the time it
12 happens.

13 OFF RECORD DISCUSSION

14 EXAMINATION

15 BY MR. FARLEY:

16 Q. Mr. Williams, how long have you been a coal miner?

17 A. A little over two years.

18 Q. How long have you been with Massey?

19 A. The whole time.

20 Q. Okay. How long have you been at UBB?

21 A. From June of 2009 until the explosion.

22 Q. Where did you work prior to that?

23 A. Marfork.

24 Q. What West Virginia coal mining certifications do
25 you have?

1 A. Just my black hat card.

2 Q. Okay. Now, when you first got to UBB in 2009,
3 what area of the mine were you assigned to work in?

4 A. One section, which was up here at Headgate 21.

5 Q. Okay. Would that have been the longwall headgate
6 entries developed?

7 A. It was up here going towards the Bandytown fan.

8 Q. I mean, you're pointing to an area about --- in
9 the area of 100. Do you know ---?

10 A. It was about 115 maybe.

11 Q. It was about 115 when you showed up?

12 A. Yeah.

13 Q. Okay. All right. Now, how long did you work in
14 that area of the mine?

15 A. A month, maybe a month-and-a-half.

16 Q. Okay. Who did you work for? Who was your boss?

17 A. Ronnie Wickline.

18 Q. Ronnie Wickline. Was Mr. Wickline still employed
19 at the mine on April 5th?

20 A. No.

21 Q. When did he leave, or do you know?

22 A. I don't remember, no. It wasn't long. His ---.

23 Q. Okay. Now, in that area of the mine toward the
24 Bandytown fan from 115 inby, do you recall
25 encountering any methane?

1 A. Yeah.

2 Q. Can you give me a description?

3 A. I bolted on the left side. We very rarely got
4 any. The most I ever saw there was 1.5. And on
5 the ---.

6 Q. 1.5 percent?

7 A. Yeah.

8 Q. Okay.

9 A. On the other side they were getting four or five
10 percent.

11 Q. How often were they encountering that much
12 methane?

13 A. At least once a day probably for a couple weeks.

14 Q. Now, when the high concentrations of methane were
15 encountered, were appropriate actions taken to ---?

16 A. We were backed up and re-ventilated and trying to
17 get air up to that area.

18 Q. Okay. Now, was that done consistently?

19 A. Yeah.

20 Q. Was there any time when somebody might have
21 ignored it or tried to ignore it?

22 A. I don't think so. Like I said, I wasn't on that
23 side, no, sir.

24 Q. Okay. All right. Now, what area of the mine were
25 you working in as of April 5th of this year?

1 A. I was on Headgate 22.

2 Q. Okay. When did you move to that area of the mine?

3 A. I don't remember the exact date. It was when we
4 finished that and we moved all the equipment back and
5 drove this panel over here across.

6 Q. Okay. You're pointing toward what we've been
7 calling the crossover from the longwall headgate
8 entries ---

9 A. Yeah.

10 Q. --- in a northerly direction?

11 A. Right.

12 Q. Now, once you drove those crossover entries, did
13 you then turn the 22 Headgate section to the left?

14 A. Right.

15 Q. Now, about --- did I ask you when you started the
16 crossover entries? Would it have been last year?

17 A. Yeah, I would say. Oh, yeah, it definitely was
18 because thanksgiving we were --- we had to pull the
19 miner up here somewhere and clean up a roof fall. So
20 yeah, it was last year.

21 Q. Okay. Now, do you know about when you turned left
22 and started actually driving the 22 Headgate section?

23 A. It was probably right around November.

24 Q. Okay.

25 A. Maybe a little bit before that, but I'm not

1 exactly sure.

2 Q. Okay. Now, when you began driving the crossover
3 in the 22 Headgate section, who was your boss then?

4 A. Rick Hutchens, I think.

5 Q. Okay. What shift were you on?

6 A. Evening shift.

7 Q. Okay. Were you --- did you remain on the evening
8 shift until the time of the explosion?

9 A. Right.

10 Q. You didn't rotate?

11 A. Uh-uh (no).

12 Q. Mr. Hutchens, did you have confidence in him?

13 A. Oh, yeah.

14 Q. Do you think he made an honest effort to comply
15 with the Health and Safety Regulations?

16 A. Yes.

17 Q. Okay. We understand that Mr. Hutchens left UBB
18 sometime early in 2010. Do you recall when he might
19 have left?

20 A. I'm wanting to say the beginning of March. Maybe
21 the last week of February was his last week or it
22 might have been the last week of March was his last
23 week, but I think it was before that since the
24 explosion was in April.

25 Q. Okay. Do you recall any --- did you know him

1 personally? Do you know why he left?

2 A. He was [REDACTED]

3 something about --- I don't know.

4 Q. Okay. All right. Who replaced him as your
5 foreman then?

6 A. Pat Hilbert.

7 Q. Did you have confidence in Mr. Hilbert?

8 A. Yes. He did a good job.

9 Q. Do you feel like he made an adequate effort to
10 comply with the Health and Safety Regulations?

11 A. Yes.

12 Q. Now, after you drove this crossover and turned
13 these entries to the left and into what we're now
14 calling the Headgate 22 section, did you experience
15 any ventilation problems as you developed that
16 section?

17 A. Yes.

18 Q. Can you describe those ventilation problems?

19 A. We hardly ever had enough air. They were always
20 changing the way it was ventilated. And every time
21 they changed it, it got a little worse. We'd have to
22 go back, walk the intake and try to find what was
23 wrong every time.

24 Q. How often did that occur?

25 A. All the time. If not every day, almost every day.

1 Q. Okay. Now, ---.

2 A. There the last week or so it had gotten better.
3 It wasn't as bad.

4 Q. Okay. So the last week or so prior to the
5 explosion it had improved?

6 A. Yes.

7 Q. How much had it improved? Was it significant?

8 A. It wasn't a great amount of air, but it was
9 doable. We might have had 30,000 over the power
10 center and the intake.

11 Q. Okay. Do you recall what your last open break
12 readings were usually?

13 A. It was 15,000 or 18,000.

14 Q. Okay. Was there a Massey requirement to have more
15 than that in the last open break on the miner section?

16 A. No. That's what I think was the legal limit, was
17 15,000 or 18,000. I can't remember.

18 Q. Okay. All right. So is it fair to say that the
19 ventilation problems you had on this Headgate 22
20 section were common knowledge?

21 A. Yes.

22 Q. Among all the members of your crew?

23 A. Yes.

24 Q. Okay. Now, would your supervisors, Mr. Hutchens
25 and Mr. Hilbert, would they have made complaints to

1 upper management people about the air problems up on
2 the Headgate 22 section?

3 A. I'm sure they did.

4 Q. Who were the other members of your crew? Can you
5 name some of them at least?

6 A. I can name all of them but the scoop man.

7 Q. Okay.

8 A. We had two miner men, Morris Hulligan and Stanley
9 Stewart, three bolt men, me, Adam Fraley and Jason
10 Dancey. Our two buggy men were Brent Racer and Greg
11 Krouse.

12 Q. Okay.

13 A. And the scoop man's name was Ryan. I don't know
14 his last name, though.

15 Q. Okay. Thank you.

16 A. And our electrician was Larry Richmond.

17 Q. Okay. Thank you very much. The 22 Headgate face
18 ventilation, was it split or sweep?

19 A. Sweep.

20 Q. Now, I think your intake would have traveled up
21 what, the middle entry?

22 A. Two, yeah.

23 Q. Now, did you sweep it from left to right?

24 A. Right.

25 Q. Okay. Now, beyond the ventilation of the 22

1 Headgate, were you familiar with the ventilation of
2 the entire mine?

3 A. No.

4 Q. Now, with the ventilation problems on the 22
5 Headgate section, I think you indicated it wasn't as
6 much as frequently as daily you had to go outby and do
7 things to make improvements. Now, what did you
8 usually have to do to approve things to get enough air
9 to run, if you could get enough air to run?

10 A. Sometimes it would be just somebody left the door
11 open that shouldn't have been, a scoop man or
12 somebody. And other times we'd hang curtains. We'd
13 find holes in stoppings, hang curtain over it or
14 plaster it, whatever we could do.

15 Q. Now, if somebody left a door open that impacted
16 your ventilation on Headgate 22, can you give me an
17 idea where the door might have been located?

18 A. Before the longwall got back here, there was a set
19 of doors and right in here somewhere.

20 Q. Okay. You're pointing to about where the
21 crossover ---

22 A. The crossover, yeah.

23 Q. --- starts from the headgate entries?

24 A. And that's where our supply hole was, so the scoop
25 man had to come down there and get supplies, ad then

1 he'd leave the door open. He was an idiot, and I'm
2 not joking.

3 Q. Were there charging stations in that vicinity,
4 too?

5 A. I think the forklift might have been there. I'm
6 not positive.

7 Q. All right. Were you familiar with a construction
8 site down there to install a new Mother Drive where
9 the 22 Headgate belt dumped onto the Seven North belt?

10 A. Yes.

11 Q. Now, did that --- when did that project start?

12 A. A couple months before the explosion.

13 Q. Did that construction project have any impact on
14 your ventilation?

15 A. Not that I'm aware of. I know after they got done
16 mining and everything, we had trouble getting
17 everything back to the way it was supposed to be,
18 after they cut out the hole.

19 Q. The belt channel?

20 A. Yeah.

21 Q. Any particular reason why?

22 A. They changed it again whenever they did that. And
23 I don't know, for some reason the air was wanting to
24 go up that way or something. I don't know where it
25 was going, but it didn't want to come up towards us,

1 where it was supposed to be.

2 Q. Okay. Do you recall a ventilation change made in
3 February where they might have changed the ---
4 rerouted the return off your section?

5 A. I think so. I don't remember exactly when, but I
6 remember building overcasts and stuff up there.

7 Q. Okay. Where do you recall building overcasts?

8 A. It was right around in here is where they started
9 driving up this panel, the tailgate panel.

10 Q. Uh-huh (yes).

11 A. and I don't remember exactly where they were at,
12 but --- this might be it right here. I guess that's
13 it right there, where they had the two overcasts.

14 Q. You're pointing to overcasts a couple crosscuts
15 outby the mouth of 22 Headgate section?

16 A. There was one right here in our intake, and then
17 it came down the return, and that was the track entry
18 for this panel over here.

19 Q. Now, we understand that possibly sometime in
20 February the return air course from this 22 Headgate
21 section would have originally gone down Seven North
22 here and around the outby into the longwall. Do you
23 recall that? Is that ---?

24 A. I'm not sure where it went, no.

25 Q. All right. Good enough. Now, were you scheduled

1 to work on April 5th?

2 A. Yes.

3 Q. Were you at the mine when the explosion occurred?

4 A. Yes.

5 Q. Were you outside?

6 A. We were on the mantrip, getting ready to go
7 underground. Well, we were underground, but we were
8 only a few breaks under.

9 Q. All right. Now, prior to April 5th, when was your
10 last shift?

11 A. Three days before that. We had three days of.
12 Worked six on, three off, so it was our first day
13 back.

14 Q. Would that possibly have been Thursday, April 1st?

15 A. Correct. Yes.

16 Q. Your last shift?

17 A. Yes.

18 Q. Now, during your last shift, did you notice
19 anything, smell anything or see anything ---

20 A. No.

21 Q. --- out of the ordinary that caught your
22 attention?

23 A. No.

24 Q. Was it a normal day?

25 A. Yeah.

1 Q. I think you said earlier that your ventilation had
2 improved a little bit ---

3 A. Yeah.

4 Q. --- in the week or so prior to the explosion.

5 A. Yes.

6 Q. Do you know why it improved a little bit?

7 A. Not particularly, no. I don't know what they did,
8 if they did anything.

9 Q. Okay. All right. I guess as a roof bolter you
10 would have had a methane detector at your disposal?

11 A. Yes.

12 Q. Now, during the time that you worked on the 22
13 Headgate section, did you ever detect any methane?

14 A. The most methane we ever got over there was maybe
15 a quarter of a percent.

16 Q. Okay. Did you ever detect any more than that?

17 A. No.

18 Q. Are you aware of anyone else detecting more than
19 that?

20 A. I wasn't there when it happened, but the miner on
21 the right side, it gassed off one time, the sniffer,
22 and shut the miner down.

23 Q. Okay. Do you recall when that occurred?

24 A. A few months before.

25 Q. And that occurred while you were not there, while

1 you were off?

2 A. No, I was there. I just wasn't on that side. I
3 wasn't there when it happened.

4 Q. Do you recall who that miner operator might have
5 been?

6 A. Stanley Stewart.

7 Q. Do you recall any bottom heaving on the 22
8 Headgate section?

9 A. No.

10 Q. Any unusual noises, any thumping noises?

11 A. No.

12 Q. As you traveled to the 22 Headgate section,
13 obviously you would have passed through a number of
14 doors ---

15 A. Yes.

16 Q. --- along the UBB track; is that correct?

17 A. Yes.

18 Q. How often would you find doors that had been left
19 open?

20 A. Not very often. There was one of the doors up at
21 78 Break, which is where, down here?

22 Q. You're just about on it, right there.

23 A. Yeah. One of them was messed up, and it would ---
24 if you didn't close it just right it would swing open.

25 Q. Was it in that condition as of the last shift you

1 worked on on April 1st?

2 A. I don't remember, honestly. I mean, the door was
3 still messed up, but it's --- I'm pretty sure it was
4 closed.

5 Q. Okay. Since the time when you received your
6 subpoena, has anybody from Massey or anybody
7 representing them attempted to interview you or talk
8 to you about this interview?

9 A. No.

10 Q. Okay.

11 A. I don't even think they knew until yesterday when
12 I told my superintendent I wasn't going to be here
13 today --- that I wasn't going to be there today.

14 Q. Okay. Now, after the explosion on April 5th, were
15 you interviewed by any people representing Massey?

16 A. Massey's lawyers and pretty much everybody that
17 was there, I think.

18 Q. Do you recall when you were interviewed?

19 A. Not the date, no. It was after we went back to
20 work, so two or three weeks after the explosion.

21 Q. The nature of that interview, were they asking you
22 the same type of questions I am?

23 A. Yes. Yeah. It was all about ventilation,
24 methane, things like that.

25 Q. Did they try to influence you in any way as to ---

1 A. No.

2 Q. --- as to how you might respond to our questions?

3 A. No.

4 Q. Now, on April 5th, I think you indicated you were
5 a short distance underground, preparing to head to the
6 section. About where were you when the explosion
7 occurred?

8 A. We were just inside the Ellis Portal, right there
9 at the second or third mantrip charger. It's maybe
10 two or three breaks underground there.

11 Q. Okay. Can you describe for me what you
12 experienced?

13 A. The power knocked on the charger and, you know, I
14 didn't think nothing of it because the belts were
15 still running because that's the belt running from
16 Ellis. So you know, I sat down on the mantrip and
17 about a minute later the wind picked up and started
18 blowing dust everywhere, and we all got up and walked
19 out.

20 Q. Okay. Now, during that evening did you
21 participate in the rescue and recovery operations?

22 A. We stayed outside. When they got the crew from
23 Two section, the tailgate crew, when we got them out,
24 we helped them, you know, do CPR and get stuff from
25 the ambulances.

1 Q. Okay. Do you have any knowledge of any
2 ventilation changes that might have been made at the
3 UBB Mine during the weekend before the explosion?

4 A. No, I don't.

5 Q. Okay. On your section, the 22 Headgate section, I
6 think you had two continuous miners; is that correct?

7 A. Yes.

8 Q. Did you ever see both of them operate at the same
9 time?

10 A. No.

11 EXAMINATION

12 BY MR. SHERER:

13 Q. Mr. Williams, you mentioned you were sitting in
14 the mantrip, waiting to go to the section when the
15 explosion occurs --- occurred. Do you recall hearing
16 a boom associated with that explosion?

17 A. No.

18 Q. You just felt the wind?

19 A. (Indicates yes).

20 ATTORNEY BABINGTON:

21 Is that a yes?

22 A. Yes.

23 BY MR. SHERER:

24 Q. What about the floor up on the 22 Headgate? Was
25 it heaving?

1 A. No.

2 Q. Did you ever smell anything up there that smelled
3 like kerosene?

4 A. No.

5 Q. Now, you mentioned that the air got better about a
6 week prior to the explosion. Did anybody say anything
7 to you about that?

8 A. No. I mean, they were always doing something to
9 try to improve it.

10 Q. Now, who were they?

11 A. Outby people, mine foreman.

12 Q. Who was in charge of ventilation at this mine?

13 A. I guess the mine foreman, superintendent. I don't
14 know if we have somebody just over ventilation.

15 Q. Were they changing things around when you guys
16 were on the section?

17 A. No.

18 Q. When would they do that?

19 A. Usually in between shifts.

20 Q. Okay. Did you ever run into people making a
21 ventilation change as you either entered or exited the
22 mine?

23 A. I don't think so.

24 Q. Did you ever see people with anemometers taking
25 readings when you were going in or out of the mine?

1 A. No.

2 Q. Besides your section boss, did you see anybody up
3 on the section and the miner operator taking air
4 readings?

5 A. Some of the times we had troubles, the mine
6 foreman would come up and he would take air readings.

7 Q. Who was the mine foreman?

8 A. Terry Moore.

9 Q. Now, when you say you had trouble, was that low
10 air?

11 A. Yeah. I mean, there was --- sometimes there was
12 no air. We'd get to the section and the anemometers
13 wouldn't move over the power center at the intake.

14 Q. Do you recall the last time it was like that prior
15 to the explosion?

16 A. Maybe a month before.

17 Q. Okay. When you had low air on the section, did
18 you also have methane problems?

19 A. No.

20 Q. Okay. So this --- as opposed to the Headgate 21,
21 where you mentioned there was quite a bit of methane,
22 was Headgate 22 less methane?

23 A. Yes.

24 Q. Did you ever notice any bubbles and puddles up
25 there on Headgate 22?

1 A. Yes.

2 Q. A lot of bubbles, a few bubbles?

3 A. A few bubbles.

4 Q. Did you ever hear any floor heave going on while
5 you were on the section?

6 A. No.

7 Q. Okay. Terry was asking about the construction out
8 toward the mouth of the section, particularly the new
9 Mother Drive. Did you ever find any doors open or
10 anything where they were doing that construction?

11 A. I didn't, no.

12 Q. Did you ever go out and talk to any people doing
13 that construction?

14 A. Just passing them when we get there.

15 Q. Who was in charge of that construction; do you
16 know?

17 A. I don't know who was over it directly, but Terry
18 Moore was bossing the evening shift crew that was up
19 there, and I think Marvin Perdue was bossing the
20 dayshift crew that was up there.

21 Q. Now, you mentioned there was some doors left open
22 down by your supply hold, I think you referred to it.
23 Were those doors replaced by a stopping prior to the
24 explosion?

25 A. I'm not sure. I haven't been down there.

1 Q. Okay.

2 A. I know they made a lot of changes when they put
3 this panel in to re-drive the tailgate.

4 Q. Did that affect the air on your section?

5 A. Yeah, some. I mean, it was just one more thing we
6 had to deal with to get it straightened out.

7 Q. What about the rock dust on the 22 Headgate, what
8 was your last impression of the rock dust the last
9 shift you worked?

10 A. Seemed fine. I think we might have even dusted
11 that night. I don't remember for sure.

12 Q. Was it Thursday night?

13 A. I'm not sure if we did or not. I remember one
14 night before we got off, it might have been Wednesday
15 night, we ran the rock duster before we left.

16 Q. Was it a scoop-mounted rock duster?

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

18 Q. When's the last time you walked down the section
19 belt prior to the explosion?

20 A. I don't remember. Probably a few weeks.

21 Q. What condition was that belt in?

22 A. It seemed fine.

23 Q. Were you involved in shoveling that belt any time
24 --- roughly a month prior to the explosion?

25 A. No, I don't think so.

1 Q. Do you recall that belt being shut down for a
2 couple days to be shoveled?

3 A. No.

4 Q. What about when you were up on the section, did
5 you ever hear anybody calling in on the mine phone or
6 anybody ever tell you there were inspectors on the
7 property?

8 A. No.

9 Q. You never heard that at all?

10 A. I've never heard it. I mean, I know they did, but
11 I'm very rarely near the phone.

12 Q. Oh, okay. What about methane monitors, did you
13 ever hear of anybody bridging those out on the
14 property?

15 A. No.

16 Q. Are you aware of any problems with methane
17 monitors on the 22 Headgate?

18 A. No.

19 Q. Okay. How high was the section? What was the
20 mining height through there?

21 A. It varied. It had to be over six feet for the
22 longwall to get the shields in. And sometimes the top
23 would fall and it would be 13 feet high. We were
24 cutting a tripper drive. That was 13 feet high.

25 Q. Was that near the active face of the ---?

1 A. Yes.

2 Q. Okay.

3 A. The tripper, yes.

4 Q. Was there anything unusual about cutting out for
5 that tripper drive that you noticed?

6 A. Not that I'm aware of, no.

7 Q. Okay. What do you think caused this explosion,
8 Mr. Williams?

9 A. I have no idea. I was hoping you all had some
10 insight to that.

11 Q. That's why we're talking to you.

12 A. Well, ---.

13 Q. Thank you.

14 MR. SHERER:

15 That's all I've got.

16 EXAMINATION

17 BY MS. MONFORTON:

18 Q. I just have one question. I wonder if you could
19 react to something. You've heard other witnesses
20 testify that there have been complaints, particularly
21 by the bolter men up on that section, that it would be
22 really hot and that there would be no air, that the
23 bolter men would complain about that, but that when
24 someone would come up with an anemometer they would
25 show you guys, oh, there's plenty of air.

1 A. Yeah.

2 Q. What's your reaction to that?

3 A. It's just hot. That bolting machine puts off a
4 lot of heat. We'd bolt a cut and be covered in sweat.
5 I mean, my shirt would be soaked. I'd be soaked from
6 here up with sweat.

7 Q. So was it that it was hot or was it that there
8 wasn't enough air?

9 A. I think it was just that it was hot. I mean,
10 you'd have to get a bunch of air to cool it down.

11 Q. Okay.

12 A. I mean, a lot more than, you know, required
13 or ---.

14 Q. So in order for you to --- so there's a
15 requirement for the air, but in your opinion, as
16 someone who runs the machine, in order for it to be so
17 it's not so hot when you're working, you really think
18 there should be more air required?

19 A. No. It's just it gets hot. I mean, it's not a
20 big deal to me.

21 Q. Okay.

22 A. It was uncomfortably hot, but it didn't last very
23 long.

24 Q. Okay.

25 A. Twenty (20) minutes, you bolt a cut, you back out,

1 you cool down.

2 Q. Okay. All right. Thanks.

3 ATTORNEY BABINGTON:

4 Terry?

5 MR. FARLEY:

6 I don't have anything else.

7 EXAMINATION

8 BY ATTORNEY BABINGTON:

9 Q. I just have one. In the three to six months prior
10 to the explosion, did you start to experience any
11 long-term fatigue?

12 A. No.

13 Q. Did you hear of anybody complaining about feeling
14 more tired recently than they had in the past?

15 A. No.

16 ATTORNEY BABINGTON:

17 I labeled three documents at the
18 beginning. One was a copy of the subpoena. That will
19 be labeled D. Williams One. D. Williams Two will be a
20 copy of the return receipt. And D. Williams Three
21 will be a copy of the follow-up letter that Mr.
22 Koerber went over with you.

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

1 cooperation is very important to the investigation as
2 we work to determine the cause of the accident.

3 We request that you not discuss your
4 testimony with any person aside from a personal
5 representative or counsel. After questioning other
6 witnesses, we may call you if we have any follow-up
7 questions. If at any time you have additional
8 information regarding the accident that you'd like to
9 provide to us, please contact us at the contact
10 information previously provided.

11 If you wish, you may now go back over any
12 answer you've given during this interview. You may
13 also make any statement that you'd like to make at
14 this time.

15 A. I'm okay.

16 ATTORNEY BABINGTON:

17 Okay. Well, thank you. And again, I
18 want to thank you for your cooperation in this matter.

19 * * * * *

20 STATEMENT UNDER OATH CONCLUDED AT 3:40 P.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

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



Alison Salyards