

01 STATEMENT UNDER OATH
02 OF
03 JEFFREY SNYDER
04
05 Taken pursuant to Notice by Miranda
06 D. Elkins, a Court Reporter and
07 Notary Public in and for the State of
08 West Virginia, at U.S. Bankruptcy
09 Court, 324 West Main Street,
10 Clarksburg, West Virginia, on
11 Tuesday, January 24, 2006, at 8:49
12 a.m.

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01 I N D E X

02

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04 WITNESS: JEFFREY SNYDER

05 QUESTIONS

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01 P R O C E E D I N G S

02 -----

03 MR. SWENTOSKY:

04 My name is Dennis
05 Swentosky. I am an accident
06 investigator with the Mine
07 Safety and Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Mr. Bob
11 Wilson from the Solicitor's
12 Office, Brian Mills with the
13 West Virginia Office of
14 Miners' Health, Safety and
15 Training and Mr. Dave Stuart
16 with the State, West Virginia

17 State.

18 I have been assigned to
19 conduct an investigation into
20 the accident that occurred at
21 the Sago Mine on January 2nd,
22 2006 in which 12 miners died
23 and one was injured. The
24 investigation is being
25 conducted by MSHA and the West

9

01 Virginia Office of Miners'
02 Health, Safety and Training to
03 gather information to
04 determine the cause of the
05 accident. And these
06 interviews are an important
07 part of the investigation. At
08 this time, the accident
09 investigation team intends to
10 interview a number of people
11 to discuss everything that may
12 be relevant to the cause of
13 the accident.

14 After the
15 investigation, a complete MSHA
16 --- or after the investigation
17 is completed, MSHA will issue
18 a written report detailing the
19 nature and the causes of the

20 accident. MSHA action reports
21 are made available to the
22 public in the hope that
23 greater awareness about the
24 causes of accidents can reduce
25 their occurrence in the

10

01 future. Information obtained
02 through witness interviews is
03 frequently included in these
04 reports. Your statement may
05 also be used in other
06 enforcement proceedings.

07 I would like to thank
08 you in advance for your
09 appearance here. We
10 appreciate your assistance in
11 this investigation. The
12 willingness of miners and mine
13 operators to work with us is
14 critical to our goal in making
15 the nation's miners safer. We
16 understand the difficulty for
17 you in discussing the events
18 that took place and we greatly
19 appreciate your efforts to
20 help us in understanding what
21 happened.

22 This interview, Mr.
23 Snyder, is being conducted
24 under Section 103(a) of the
25 Federal Mine Safety and Health

11

01 Act of 1977 as part of an
02 investigation by the Mine
03 Safety and Health
04 Administration and the West
05 Virginia Office of Miners'
06 Health, Safety and Training
07 into the conditions, events
08 and circumstances surrounding
09 the fatalities that occurred
10 at the Sago Mine owned by
11 International Coal Group in
12 Buckhannon, West Virginia on
13 January 2nd, 2006.

14 This interview is being
15 conducted at the U.S.
16 Bankruptcy Court in
17 Clarksburg, West Virginia on
18 January 24th, 2006.
19 Questioning will be conducted
20 by representatives of MSHA and
21 the Office of Miners' Health,
22 Safety and Training. This is
23 not an adversarial proceeding,
24 therefore, Cross Examination

25 will not be permitted.

12

01 Mr. Snyder, the
02 interview will begin by me
03 asking a series of questions.
04 If you do not understand a
05 question, please ask me to
06 rephrase it. Feel free at any
07 time to clarify any statements
08 that you make in response to
09 the questions. After we have
10 finished asking questions, you
11 will also have an opportunity
12 to make a statement and
13 provide us with any other
14 information that you believe
15 may be important. If at any
16 time, after the interview you
17 recall any additional
18 information that you believe
19 may be useful in the
20 investigation, please contact
21 Richard Gates at the phone
22 number or e-mail address
23 provided to you on this
24 business card.

25 Your statement is

13

01 completely voluntary. You may
02 refuse to answer any question
03 and you may terminate your
04 interview at any time. If you
05 need a break at any time for
06 any reason, please let me
07 know.

08 A court reporter will
09 record your interview and will
10 later produce a written
11 transcript of the interview.
12 Please try and respond to all
13 questions verbally since the
14 court reporter cannot record
15 nonverbal responses. Also
16 please try to keep your voice
17 up. Copies of the written
18 transcripts will be made
19 available at a later date and
20 that will be upon completion
21 of the investigation.

22 If any part of your
23 statement is based on your own
24 firsthand knowledge but on
25 information that you learned

14

01 from someone else, please let
02 us know. Please answer each
03 question as fully as you can.

04 Including any information you
05 have learned from someone
06 else. You may --- we may not
07 ask the right questions to
08 learn the information you
09 have, so do not feel limited
10 by the precise question asked.
11 If you have information about
12 the subject area of a
13 question, please provide us
14 with that information.

15 At this time, Mr.
16 Mills, do you have anything
17 that you would like to add on
18 behalf of the Office of
19 Miners' Health, Safety and
20 Training?

21 MR. MILLS:

22 Here's a card where we
23 can be reached, Mr. Snyder.
24 The West Virginia Office of
25 Miners' Health, Safety and

15

01 Training is conducting this
02 interview session jointly with
03 MSHA and are in agreement with
04 the procedures outlined by Mr.
05 Swentosky for these interviews

06 that will be conducted here
07 today. But the Director
08 reserves the right if
09 necessary to call or subpoena
10 witnesses and require the
11 production of any record,
12 document, photograph or other
13 relevant materials necessary
14 to conduct this investigation.

15 MR. SWENTOSKY:

16 Mr. Snyder, you are
17 permitted to have a
18 representative with you during
19 the interview and you may
20 consult with your
21 representative at any time.
22 You may designate a person to
23 be your representative. Do
24 you have a representative with
25 you?

16

01 MR. SNYDER:

02 Yes, I do. Marco
03 Rajkovich.

04 MR. SWENTOSKY:

05 Do you have any
06 questions regarding the matter
07 in which this interview will
08 be conducted?

09 MR. SNYDER:

10 No.

11 ATTORNEY RAJKOVICH:

12 Just one question. and

13 I assume this is the same as

14 yesterday, only state and

15 federal people are in the

16 audience and hereto? Is that

17 correct?

18 MR. MILLS:

19 Yeah.

20 ATTORNEY RAJKOVICH:

21 Okay. That's fine.

22 MR. SWENTOSKY:

23 Will you swear in Mr.

24 Snyder, please?

25 -----

17

01 JEFFREY SNYDER, HAVING FIRST BEEN

02 DULY SWORN, TESTIFIED AS FOLLOWS:

03 -----

04 BY MR. SWENTOSKY:

05 Q. Could you please state your

06 full name and spell your last name

07 for us, please?

08 A. Jeffrey Allen Snyder,

09 S-N-Y-D-E-R.

10 Q. Could you provide your address

11 and telephone number, please?

12 A. [REDACTED]

13 [REDACTED].

14 [REDACTED]

15 Q. Are you appearing here today
16 voluntarily?

17 A. Yes, sir.

18 Q. Did you talk to anyone about
19 your interview, statement here today?

20 A. No, sir.

21 ATTORNEY RAJKOVICH:

22 Other than Counsel?

23 MR. SWENTOSKY:

24 Yes.

25 A. Yes.

18

01 ATTORNEY RAJKOVICH:

02 Thank you.

03 BY MR. SWENTOSKY:

04 Q. Mr. Snyder, how many years
05 have you been --- or how many years
06 of mining experience do you have?

07 A. Give me a minute to add that
08 up. Fourteen (14) years.

09 Q. Can you tell us about your
10 mining history a little bit? A
11 description of your history.

12 A. I started at Bass Energy in
13 '92. I was outside man for a year

14 running an inloader. I went
15 underground to
16 --- after that year, I went
17 underground, got my black hat card
18 and was a scoop man on section for
19 four and a half years. I then went
20 over to the Adrian side of the Bass
21 Energy Coal Mines and run the gob
22 pile for the Bass Energy, processing
23 the gob pile, run a dozer inloader.
24 And from there when the gob pile shut
25 down, I worked at Fairmont Energy for

19

01 six months, odd stuff. It was
02 temporary work. That's where Bass
03 Energy moved to. From there I went
04 back to --- Bass Energy became
05 Burning Rock and I was in on the
06 rehab of rehabbing the mines for
07 three months, putting in a new belt
08 line. And then when Burning Rock
09 failed, I went to work for BJN at the
10 current Sago Mines. It used to be
11 BJN Sago Number One. I worked with
12 them for a year as a scoop man. I
13 then went to Glady Fork Coal Mine
14 which used to be the Bass Energy Coal
15 Mine up at Adrian running the wash

16 plant. From the wash plant, I
17 alternated between the wash plant and
18 working underground, scoop, belt and
19 shuttle car operator. From there
20 when Glady Fork shut down, I went
21 over back to Sago to work for Anker
22 and I've worked there for two years
23 now.

24 Q. So the total time spent at
25 Sago is about three years?

20

01 A. Yes.

02 Q. One year the first time and
03 then two years from when you started
04 until the present?

05 A. Yes, sir.

06 Q. What is your present position
07 at Sago Mine?

08 A. Outby boss. Outby foreman.

09 Q. And you say outby ---?

10 A. Outby foreman, that means
11 anywhere but the face.

12 Q. Okay. What do you do in that
13 position as outby foreman?

14 A. Any work that needs done on
15 the outby end of the coal mines.
16 That's anywhere from the feeder
17 outby. That could include anywhere.
18 I run a crew, however many men they

19 give me to do whatever needs to be
20 done.

21 Q. Would that be like laying
22 tracks, stoppings, ---

23 A. Yes.

24 Q. --- cleanup work, cutting
25 bottom or anything like that?

21

01 A. Yes.

02 Q. Laying pipeline?

03 A. Yes. Currently, I was on the
04 belt taking a beltman's place because
05 he was off work. I've been there
06 almost two months.

07 Q. What was that again?

08 A. Currently, I'm taking a
09 beltman's spot, because they want
10 certified people on the belts so they
11 can do the belt and track fire boss.

12 Q. I see.

13 A. And I was taking his place
14 until he come back from being
15 injured.

16 Q. And how long have you been
17 doing it?

18 A. Almost two months, not quite
19 two months.

20 Q. In that position, of course as

21 you said, fire bossing belts or make
22 the examinations on the belts and
23 cleanup work also?

24 A. Yes.

25 Q. Did you hold that same

22

01 position on --- were you working on
02 January 2nd, 2006, on the day of the
03 accident?

04 A. No, I was home. That was not
05 my day to work. We were on a three
06 on/three off rotation. My rotating
07 partner was Terry Helms.

08 Q. And what other position have
09 you held at the Sago Mine, other than
10 a foreman?

11 A. Scoop operator, occasionally
12 I'd run shuttle car.

13 Q. What mining certificates do
14 you hold?

15 A. Foreman's card, dust handler's
16 card, EMT.

17 Q. Were you finished?

18 A. Yes. I believe so, yes.

19 Q. Is that all in the State of
20 West Virginia ---

21 A. Yes.

22 Q. --- or do you have any other
23 state certificates or ---?

24 A. No, just the State of West
25 Virginia.

23

01 Q. Who is your immediate
02 supervisor?

03 A. That would be Carl Crumrine.

04 Q. He is the ---?

05 A. Boss --- or the mine foreman.

06 Q. Mine foreman. How long has he
07 been your supervisor?

08 A. Sometime mid to late fall. I
09 really don't exactly know what time
10 he became a --- we had such a switch
11 of the personnel the past two years,
12 it's really hard to keep up with
13 everybody.

14 Q. And who was your supervisor
15 before Mr. Crumrine?

16 A. That would have been Bill
17 Kerns, I believe.

18 Q. And he was the previous mine
19 foreman?

20 A. Yes.

21 Q. When was the last day you
22 worked prior to the accident?

23 A. That would have been the
24 Friday before. I don't have a
25 calendar, I really can't give the

01 date.

02 Q. Okay. That's fine.

03 A. But the Friday before the

04 accident.

05 Q. And what did you do that day?

06 A. Belts and track, worked the

07 belts and built the track fire boss.

08 Q. Okay. Have you ever --- well,

09 I guess this would be a repeat.

10 You've made examinations of the mine

11 as a certified person?

12 A. Yes.

13 Q. Yes. And those were the

14 belts?

15 A. Belts, right.

16 Q. Anything anyplace else?

17 A. No, sir.

18 Q. No. Did you ever make

19 examinations as a certified person of

20 the seals in the Two --- old Two Left

21 main?

22 A. I've never made examinations

23 of seals.

24 Q. Are you familiar with the old

25 Two Left main seal?

01 A. Yes, sir.

02 Q. Do you know when they were

03 built?

04 A. I helped build them, yes, sir.

05 We first started building in ---

06 October 24th, I believe was my first

07 day on it. My last day was November

08 9th.

09 Q. Okay. This October 24th date

10 is that the day that any work was

11 done on those seals do you know?

12 A. I believe that was the day

13 that the seals were first started.

14 Now some supplies had been spotted in

15 one of the seals, but that was

16 supposed to be the last seal to be

17 built. That was the only activity

18 that was done on the seals until I

19 started October 24th.

20 Q. 24th?

21 A. 24th, sorry.

22 Q. And you mentioned November 9th

23 as the completion date?

24 A. No, sir. That's the last day

25 I worked on them.

26

01 Q. Okay.

02 A. When I left the seals, they

03 were not complete.

04 Q. How many seals were completed?

05 A. Seven, I believe.

06 Q. Seven. So you were involved

07 in building them. What

08 responsibilities did you have during

09 those ---

10 A. The seals?

11 Q. --- the installation of the

12 seals?

13 A. I was overseeing the crew that

14 was building the seals.

15 Q. Okay. Did you actually

16 perform any work or anything like

17 that?

18 A. Yes, sir. I am a working

19 boss.

20 Q. And from those days that you

21 worked from the beginning to the end

22 that you worked on those seals, did

23 you work on them the consecutive

24 days? I mean, ---?

25 A. You mean straight through?

27

01 Q. Yes. Or was there a break in

02 your time there or anything?

03 A. There may have --- there was a

04 couple days when the material wasn't

05 available for the seal, so we worked

06 on other things that were related to

07 the seals like the overcast across

08 the end of the new Two Left section.

09 It was all supposed to be built
10 together.

11 Q. Do you know actually when the
12 construction of the seals were
13 complete? I know you said November
14 9th was the last day you were there.
15 But do you ---?

16 A. No, I don't. When I was moved
17 to the belt, I lost track of the
18 progress of the seals and I was
19 concerned about getting the belt
20 squared away.

21 Q. What specific task did you
22 perform in the construction of those
23 seals? I know you said you oversee
24 those, that you're a working foreman,
25 so ---?

28

01 A. I helped spread some of the
02 mud and stack some of the Omega
03 blocks. There was a few times when I
04 actually went and got some of the
05 supplies.

06 Q. Have you been involved in
07 building Omega seals at any other
08 time?

09 A. No, sir, not until this mine.

10 Q. Okay. This is the first time
11 that you were ever involved in
12 construction of Omega seals?

13 A. Yes, sir.

14 Q. Okay. How about any other
15 seals?

16 A. Solid block seals. I've built
17 solid block seals before, eight-inch
18 solid cinder blocks.

19 Q. Concrete block?

20 A. Concrete blocks.

21 Q. Where was that?

22 A. Gladly Fork, what used to be
23 the Bass Energy Mines.

24 Q. Did you review or did anyone
25 else review with you the ventilation

29

01 plan requirements regarding
02 construction of the Omega seals?

03 A. Yes, sir.

04 Q. Did you review them or did
05 someone else review them with you?

06 A. The superintendent reviewed
07 them.

08 Q. Okay. Did he review them with
09 you prior to the construction of the
10 seals?

11 A. Yes, sir.

12 Q. Okay. In what fashion --- how

13 did he do that?

14 A. We went over the map together
15 and he showed me how they were
16 supposed to be constructed and how
17 the stopping lines were supposed to
18 be changed.

19 Q. Okay. Was anyone else there
20 at that time?

21 A. I don't recollect anybody else
22 standing in. It was kind of a before
23 the shift started type of thing,
24 where the office is kind of chaotic
25 and you're trying to get ready for

30

01 the day.

02 Q. When he reviewed that, did he
03 go through any paper or any type of
04 plan or anything like that?

05 A. Seal plan?

06 Q. Yes.

07 A. Yeah, he went over the seal
08 plan with me, yes.

09 Q. Okay. So it wasn't just where
10 at locations, it was actually a ---

11 A. Yes.

12 Q. --- copy of a plan?

13 A. Yes, sir. He gave me a copy
14 of the plan and I passed it on to the

15 next supervisor who took over after I
16 left.

17 Q. Did you --- after receiving
18 those instructions, did you review
19 that with the individuals working for
20 you or anything?

21 A. Yes, I did.

22 Q. How many persons worked with
23 you whenever you built those seals?

24 A. I had three red hats and one
25 black hat with me most of the time.

31

01 On occasion, another outby crew came
02 up and helped me, which consisted of
03 four certified miners.

04 Q. Do you happen to recall the
05 names of the individuals that you ---
06 worked under you on those seals?

07 A. All but one. Jeremy Toler was
08 a black hat, Casey Short, red hat,
09 George Brooks, red hat, and the third
10 red hat escapes my memory because he
11 was only with us a short time and he
12 was talking about quitting and I lost
13 track of him.

14 Q. Okay. Those were the persons
15 that you actually --- were with you
16 as a group?

17 A. Most of the time. Now, once

18 in a while, one of them would be
19 pulled off to work on the bolter.

20 Q. Okay. And you mentioned that
21 there was another set of individuals
22 that came up there ---

23 A. Yes.

24 Q. --- on occasion?

25 A. Yes, sir.

32

01 Q. How often did they come up and
02 help?

03 A. I can remember at least two to
04 three times that they come up and
05 helped us.

06 Q. Do you know those --- do you
07 recall those individuals?

08 A. Yes, sir. Marty Conrad, Mike
09 Triplett, John Jackson and Harmon
10 Jordan.

11 Q. Did anyone review the plan
12 with them or instruct them in some
13 fashion of how they were to be
14 constructed?

15 A. Yes, sir.

16 Q. And that would have been?

17 A. Me.

18 Q. You, okay. Were all ten of
19 those seals the same at Two --- the

20 Two Left main seals, the ones we're
21 talking about? Are they all Omega
22 seals?
23 A. Yes, sir. Supposedly. Like I
24 said, I was only in on seven of them.
25 Q. Okay. Did anyone ever say

33

01 that, you know, we're going to put
02 another --- or a different type up
03 there? Was there any discussion ---?
04 A. No.
05 Q. There was never any ---
06 A. Never any discussion.
07 Q. --- indication that it would
08 have been something different?
09 A. No, sir.
10 Q. What I'd like for you to do,
11 Mr. Snyder, if you would please, is
12 just kind of --- if you could just
13 start with what you did in
14 preparation for the seals and kind of
15 just take me through how the
16 construction went for those --- for
17 those seals.
18 A. Well, first thing is to order
19 your material and get it into the
20 mines to work with. We unloaded the
21 supply cars and carried it over and
22 spotted it where it needed to be

23 constructed. Then you had to gather
24 up a bunch of cans and hunt for
25 water. We get the water out of the

34

01 waterline there next to the feeder on
02 the section and bring it over in
03 five-gallon cans.

04 The seals were made of --- the
05 cement mix we used was a special blue
06 bag type that was specially used for
07 the seals and that's all we were
08 allowed to use for the seals. The
09 Omega blocks, of course, were used
10 --- they're Omega blocks. They were
11 to be laid down in a pattern flat,
12 start out flat on the ground and you
13 alternate your pattern as you go up
14 to split the cracks, then you cement
15 in between every seam. Once you got
16 to the top, you added three fly
17 boards on top and you wedged them in
18 and then you cemented everything up.

19 Q. Okay. The location of the
20 seal, how was that determined?

21 A. Ten foot in by the corner of
22 the rib.

23 Q. Okay.

24 A. Anywhere within the height and

25 the width that was necessary.

35

01 Q. Okay. When you say height and

02 width, how wide were the seals?

03 A. No more than 20 foot.

04 Q. Okay. Was there anyplace over

05 20 feet long?

06 A. One seal was questionable.

07 Q. Which one would that be?

08 A. That would be Number One. I

09 did not build it. If you adjusted it

10 at a certain angle, it would come out

11 okay at 20 foot. And I don't know

12 --- I was never back up at the seals,

13 I don't know how it was built.

14 Q. Did you --- was that location

15 marked prior to --- we're talking

16 about Number One seal now; okay? And

17 I understand that you weren't there,

18 but you had mentioned that if you

19 measured it wrong, but was the actual

20 --- excuse me, was the actual

21 location laid out whenever you were

22 observing that or did ---

23 A. Yes.

24 Q. --- how did you determine that

25 it was going to be more than 20 feet?

36

01 It would possibly be more than 20

02 feet?

03 A. I didn't know which part of
04 the corner rib was --- where it was
05 going to be anchored. I didn't know
06 how it was going to lay.

07 Q. Was that --- did anyone tell
08 you where that seal was to be
09 located?

10 A. No, sir, because when that
11 seal was built, I wasn't there.

12 Q. I understand that. Okay. Was
13 there any roof screen mesh that was
14 bolted in the roof in these seven
15 seal areas?

16 A. Yes.

17 Q. Kind of tell me about that a
18 little bit, would you, please?

19 A. In the old belt entry and the
20 old track entry.

21 Q. Okay.

22 A. But I cut that out.

23 Q. How much of it did you cut out
24 in length?

25 A. At least four foot.

37

01 Q. How was that screen anchored?

02 A. Roof bolts, two-foot roof
03 bolts.

04 Q. That was a metal screen?

05 A. Yes, sir.

06 Q. Okay. Was that screen removed
07 when you laid the seal up?

08 A. We removed the screen and then
09 laid the seal up.

10 Q. Okay.

11 A. Because you can't seal it when
12 that screen ---. It had to be
13 removed.

14 Q. So the screen, itself, did not
15 protrude into the seal?

16 A. No, sir.

17 Q. Okay. What about the loose
18 material or anything? Can you kind
19 of tell me a little bit about that,
20 the loose material?

21 A. The loose material?

22 Q. Yes. Was there any loose
23 material laying around that you had
24 to clean up or clean the ribs or
25 anything like that?

38

01 A. Yes, we cleaned it. That was
02 cleaned.

03 Q. Okay. How much of that
04 distance was cleaned and how did you
05 clean it?

06 A. With a scoop and shovel. You

07 got what you could with a scoop and
08 you took the shovel and got down to
09 bare pavement.

10 Q. Okay. How much of an area was
11 cleaned?

12 A. Well, a lot of it depended on
13 how much gob was in there to remove.
14 If you had to take a full pass at the
15 entire cut, you did the entire cut,
16 then you cleaned it with a shovel
17 where the seal was to be laid. And
18 then when you cleaned with a shovel,
19 you only cleaned the area where the
20 seal was to be laid.

21 Q. Okay. Was the --- how much on
22 each side of where the seal was
23 actually constructed was the area
24 cleaned?

25 A. With a shovel?

39

01 Q. With anything.

02 A. It varied between seal to
03 seal.

04 Q. Okay. Was there at least
05 three feet, four feet on each side of
06 the seal that had been cleaned?

07 A. I don't think it's that far,
08 no. A lot of them, no.

09 Q. Do you recall what the plan
10 said about that at all?

11 A. If I remember correctly, the
12 plan said lay the seal on bare
13 bottom.

14 Q. Was there any water in the
15 area that had to be removed or
16 standing water of any sort in any of
17 those particular areas that you
18 constructed the seals?

19 A. No, sir. It was more mud.

20 Q. More mud?

21 A. Yes, sir.

22 Q. How deep was the mud that you
23 had to clean out there?

24 A. I don't know, half a foot
25 roughly.

40

01 Q. Okay.

02 A. I can't remember.

03 Q. Okay. When you got --- when
04 you were down on solid footing, did
05 you take it down to solid footing?

06 A. Yes.

07 Q. Okay. Was there any cracks in
08 the bottom there at all in the areas
09 that you were actually going to place
10 a seal?

11 A. Not that I observed.

12 Q. Did you install any type of
13 roof support or anything like that on
14 the inby --- inby/outby side or
15 anything?

16 A. Two cribs on the inby, two
17 cribs on the outby within four foot
18 of the seals. That was in the plans.
19 It was supposed to be done on every
20 seal.

21 Q. Was it necessary or did you
22 cut any trenches or anything like
23 that in the ribs or the bottom or
24 anything like that at all?

25 A. That was not in the plans, no.

41

01 Q. And you did not do them?

02 A. No, sir.

03 Q. How high were the areas? Did
04 they vary, the seven seals that you
05 constructed?

06 A. Yes, sir.

07 Q. What was the highest one or
08 ---?

09 A. The highest one was right at
10 eight foot.

11 Q. And which one was that, do you
12 recall?

13 A. I'm thinking that it was

14 Number Two.

15 Q. Okay.

16 A. I'm not positive on that.

17 Q. Did you use any used blocks or
18 were they all new?

19 A. Omega blocks?

20 Q. Omega blocks.

21 A. They were all new.

22 Q. All new?

23 A. Yes, sir.

24 Q. Okay. How did you place the
25 first row? Kind of like take me

42

01 through that, the first row that you
02 laid down. How thick was it?

03 A. Omega blocks, I think are
04 eight-inches thick.

05 Q. Okay.

06 A. You place one length-wise
07 immediately behind it and you play
08 one with --- you lay one width-wise
09 and you lay the length-wise all the
10 way across and immediately behind
11 that, you lay the length-wise all the
12 way across. And then on top of that,
13 you alternate your pattern from front
14 to back and you do the same back
15 across.

16 Q. Okay. And how thick was the

17 total seal, the thickness ---?

18 A. Oh, you mean the width of the
19 seals?

20 Q. Yeah.

21 A. Forty (40) inches.

22 Q. Forty (40) inches.

23 A. Roughly 40 inches, yes, sir.

24 Depending on, you know, if the seals
25 were true.

43

01 Q. How many blocks would that ---
02 would you have actually built on that
03 first row, as you called it,
04 width-wise? How many did it take ---
05 wait a minute. How many did it take
06 to gain that 40 inches?

07 A. Oh, to gain the 40-inch width
08 of your seal, it would be one block
09 length-wise and one block width-wise.
10 I could explain it on paper better.

11 Q. Okay. Maybe we'll do that
12 here in a few minutes. On the mine
13 bottom, did you place anything on the
14 mine bottom prior to ---?

15 A. Cement.

16 Q. Cement?

17 A. Yes, sir.

18 Q. When you say cement, what type

19 of cement was that?

20 A. The blue bag cement, the stuff
21 we were supposed to use for the ---.

22 Q. What did it say on the outside
23 of the bag? I remember you mentioned
24 it said it was a blue bag, but ---.

25 A. I can't remember what it said,

44

01 no, sir.

02 Q. Did you mix water --- have to
03 mix water with that cement?

04 A. Oh, yes, sir.

05 Q. How much water did you mix
06 with it?

07 A. Enough to get it soupy and
08 pliable.

09 Q. What about the vertical
10 joints, did you put any mortar on
11 those or ---?

12 A. Yes, sir.

13 Q. How much mortar did you put
14 on?

15 A. What was necessary to fill the
16 cracks up and butt them up.

17 Q. Was there a thickness to that
18 at all that you put on there, on
19 those joints?

20 A. There was, but I can't
21 remember what it was. It's in the

22 plans. I don't have a copy of the
23 plans.

24 Q. How did you apply that?

25 A. By hand.

45

01 Q. Was there a pilaster?

02 A. No, sir, no pilasters that I
03 know of.

04 Q. And you staggered those
05 joints?

06 A. Yes.

07 Q. When this first layer was laid
08 across, you had said you put it ---
09 put mortar on the vertical joint?

10 A. Yes, sir.

11 Q. Okay. On the second course,
12 the ---.

13 A. Horizontal joint?

14 Q. Yes.

15 A. Yes, sir, we laid mortar on
16 the horizontal joint.

17 Q. On the entire face or the top
18 of the block?

19 A. The entire top. I'll tell you
20 why we went through all that, the
21 first seal that we built, I had to
22 tear down and rebuild it. Okay.

23 Q. Which seal was that?

24 A. That would have been Number
25 Nine.

46

01 Q. Number Nine?

02 A. I started with Number Nine.

03 Q. Okay.

04 A. And I didn't have it in the
05 right spot and the superintendent
06 came up and we had it over halfway
07 built and he made us tear it down and
08 put it in the right spot. And from
09 then on, I wanted to get everything
10 right because I didn't want to have
11 to do anything over.

12 Q. Yeah.

13 A. That kind of put me a day
14 behind and set a little extra work on
15 us.

16 Q. I see.

17 A. I didn't like it.

18 Q. You said you had it half built
19 up, like four feet, let's say?

20 A. Roughly four feet, maybe five.
21 I can't remember, but it was a good
22 start.

23 Q. Okay. Did you start on that
24 one in the morning?

25 A. Yes.

47

01 Q. Like when you went in, you
02 started on that particular one?
03 A. Uh-huh (yes).
04 Q. That was Number Nine seal?
05 A. That was Number Nine, that was
06 the first one I started on.
07 Q. Okay. And you built it
08 halfway up and the superintendent
09 came in and said tear it down because
10 it was not in the right spot; is that
11 correct?
12 A. Yes, sir.
13 Q. When you tore it down, what
14 did you --- just tell me about that a
15 little bit.
16 A. Well, we changed our location
17 and started over.
18 Q. Did you --- you just moved
19 those blocks that you used for that
20 seal and just moved them back or ---?
21 A. Well, no by the time that was
22 --- by the time we got started on the
23 second location, half of the cement
24 was already dry on the first one and
25 we left what we couldn't use right

01 there at the --- but what we could
02 use, we didn't --- that was not set

03 up yet. We remixed the mortar. We
04 wasted about a half a pound of mortar
05 mix and we added a little bit more
06 mortar mix.

07 Q. And you just moved those same
08 blocks back?

09 A. The ones that we could use.

10 Q. Yes.

11 A. Some of them we left there in
12 place, because they were too far
13 dried and gone, we couldn't reuse
14 them.

15 Q. Okay. Did you move the seal
16 inby or outby?

17 A. Inby.

18 Q. So the new seal was inby those
19 blocks?

20 A. Yes, sir.

21 Q. Okay. What did you make the
22 --- what did you mix the cement in?

23 A. A wheelbarrow.

24 Q. Wheelbarrow. What
25 consistency, can you explain that at

49

01 all? I know that's maybe a tough
02 question, but ---.

03 A. The closest thing I can
04 analogy it as to is snot. I'm not
05 making --- I'm not being smart.

06 Q. No, not that's fine. That's
07 fine. We understand.
08 A. That's the closest thing I can
09 ---.
10 Q. Sure.
11 A. That's the easiest one to
12 apply.
13 Q. Okay. Could you kind of
14 describe the remaining courses of
15 block? Just go over how you put them
16 up.
17 A. You keep repeating your ---
18 alternating your pattern as you go
19 up. When you get up to the top, two
20 guys stay in behind the seal to
21 finish the back side, while the rest
22 stay outby and finish the front side.
23 When the back side is finished then
24 the two guys will come around the
25 block, make their way over to their
50
01 side. It gets tight up at the top.
02 Q. How close to the roof did you
03 take your blocks?
04 A. As tight as we could with ---
05 to leave enough room to put a fly
06 board on top. Sometimes we had to
07 cut the blocks in half.

08 Q. And how did you do that?

09 A. With a saw.

10 Q. Okay. You mentioned you put
11 these fly boards on top. How thick
12 were those?

13 A. One inch, I believe, rough
14 cut.

15 Q. How many boards did you put on
16 there or ---?

17 A. Three on top.

18 Q. Three on top. How was the
19 location of those boards laying?

20 A. Horizontal width-wise.

21 Q. Okay. And those boards you
22 said they were one-inch thick. How
23 wide were those boards?

24 A. Five to six inches, I'm not
25 exactly sure.

51

01 Q. Did the board run the entire
02 width of the seal, rib to rib or, you
03 know ---?

04 A. There was a little space on
05 each end of it.

06 Q. On each end, meaning toward
07 the rib?

08 A. Toward the ribs.

09 Q. How much space did you have
10 between ribs, if you can remember?

11 A. Roughly a foot.

12 Q. A foot?

13 A. Yeah.

14 Q. The boards, each set of boards

15 as you went across, was it all one

16 length or did you have to use

17 different lengths and butt the ends

18 together?

19 A. No, it was all one length.

20 Q. All one length?

21 A. Yes, sir.

22 Q. How did you secure that board

23 or --- okay, what --- after you put

24 the boards in, then what did you do?

25 A. You wedged them tight and then

52

01 you packed them full of cement.

02 Q. Okay. How far apart did you

03 put the wedges?

04 A. I think it called for every 15

05 inches. I'm not exactly sure on

06 that. It was roughly around that.

07 Q. And that's how --- they were

08 at 15 inches roughly?

09 A. Roughly, yes, sir. Where we

10 could get the wedges in, yes, sir.

11 Q. Where you could get the wedges

12 ---?

13 A. Yeah, sometimes the board was
14 up so tight, we weren't able to get
15 wedges in.

16 Q. Okay. And how ---?

17 A. We pounded the boards in on
18 top with a hammer.

19 Q. Okay. These wedges in those
20 areas, how far apart would the wedges
21 have been?

22 A. Roughly 15 inches.

23 Q. Okay. But the areas that you
24 could not get the wedge in --- say,
25 you put a wedge in at zero inches and

53

01 then you couldn't get a wedge in
02 because the board was too tight and
03 you just hammered the board in, then
04 what would have been the distance
05 that you would have been able to get
06 a wedge in?

07 A. I don't know.

08 Q. Was there areas like two feet
09 that didn't have a wedge, three feet?
10 Maybe that will jog your memory a
11 little bit.

12 A. I don't know.

13 Q. Were those --- was that the
14 case on all the seals or just like at
15 one particular, two particular ones?

16 Just in general?
17 A. It was not the norm. I don't
18 know how many of them was like that.
19 I don't think it was half of them.
20 Q. Did you coat the base of the
21 seal wall ---
22 A. Yes.
23 Q. --- when you were completed?
24 What did you coat that with?
25 A. Cement.

54

01 Q. Same?
02 A. The same cement, yes, sir, the
03 white bags with the blue stripes on
04 them. That's what I was told to use.
05 Q. White bags with the blue
06 stripes?
07 A. Yes. There was some other
08 bags with green stripes that were
09 used on other stopping lines, that's
10 not to be used on the seals. That's
11 why I'm saying blue bag --- the white
12 bag with blue stripes. We called
13 them blue bags.
14 Q. So the entire bag wasn't blue?
15 A. Not exactly, no.
16 Q. Okay. I got them mixed up. I
17 apologize. Okay. So these bags were

18 white with blue stripes?

19 A. A big blue stripe on it, yes,
20 if I remember right.

21 Q. Do you recall what it said on
22 there?

23 A. No, sir, I don't.

24 Q. Okay. So then getting back
25 into it, just a second ago we were

55

01 talking about the facing. And what
02 mortar did you use there?

03 A. The same mortar as we laid the
04 stoppings --- or the seals up with.

05 Q. Okay. How did you apply that
06 and how thick did you apply that?

07 A. That was by hand and I would
08 say roughly an inch thick. Roughly.

09 Q. Did it --- when you completed
10 it --- you started on Number Nine and
11 when you were completed with it, did
12 it --- does it remain soft or soft to
13 the touch or does it harden up at all
14 after a period of time?

15 A. Oh, yeah. Yes, it hardens up.

16 Q. Okay. Did you apply the ---
17 I'm sorry.

18 A. The cement will set up almost
19 by the end of the shift when you
20 start the beginning of the shift.

21 Q. Okay. Did you coat both
22 sides?
23 A. Yes, sir.
24 Q. What about the last --- you
25 weren't there for the last seal?

56

01 A. No, sir.
02 Q. And you say you put it on an
03 inch. Did you ever measure it?
04 A. Pardon?
05 Q. Did you ever measure the
06 thickness of the mortar that you put
07 on the face?
08 A. I never actually put a tape
09 measure to it, but ---
10 Q. Okay.
11 A. --- it felt like roughly an
12 inch.
13 Q. When you were completed with
14 the seal, did you --- or was there
15 any additional material applied
16 around the perimeter ribs, bottom,
17 top or anything like that?
18 A. After the seal were completed,
19 they were supposed to be given a once
20 over before they were released to be
21 inspected, to be applied around the
22 ribs and the roof for extra mud. I

23 was not there for that because I was
24 not there during the completion. But
25 that was in the plans to reseal the

57

01 entire perimeter of the seals.

02 Q. Okay. After you --- I suppose
03 --- okay, you were building Number
04 Nine seal. When you were completed
05 with it, it was wedged in?

06 A. Yes, sir.

07 Q. Okay. Was there --- and you
08 faced it?

09 A. Yes, sir.

10 Q. Okay. Before you went on to
11 the next one?

12 A. Yes, sir.

13 Q. When that was done, did anyone
14 go around at that time and put any
15 additional mortar around the ---?

16 A. Not at that time, no, sir.

17 Q. Okay.

18 A. Usually by the time we
19 finished the seal, it was quitting
20 time. The next morning, we'd move on
21 to another one. If we had any extra
22 mud left over from that day, we would
23 take it back and get what we could.

24 But at the completion of all ten,
25 they were supposed to be done.

01 Q. Okay.

02 A. And I was not there for the

03 completion of all ten.

04 Q. Understood. Whenever you

05 butted the block against a rib during

06 the construction, did you use any

07 wedges to wedge them in tight or did

08 you ---?

09 A. No, sir. We used cement.

10 Q. Cement?

11 A. Yes, sir.

12 Q. And how close to the rib would

13 you get with those --- was the rib

14 jagged, fairly jagged, or was it

15 pretty smooth?

16 A. Fairly smooth. And I was

17 picky about the sides. We piled a

18 lot of cement in there to get them in

19 tight.

20 Q. You're talking about where the

21 blocks butted against the rib?

22 A. Yes, sir.

23 Q. Was the --- well, let me go

24 with this first. Was there a water

25 trap installed in any of those seals?

01 A. Not while I was constructing

02 the seals. There was water traps to
03 be put in Number One.

04 Q. Okay.

05 A. And there was a gas check
06 valve to be put in Number Ten. The
07 material was there when I was taking
08 off the seals, but again, I wasn't
09 there for their construction.

10 Q. Okay. What type of water trap
11 was it? Meaning what type of
12 material was that, the sides?

13 A. PVC pipe, I believe. I
14 believe it was six-inch. I'm not
15 certain of it. The gas check was to
16 be put inside a steel pipe with a
17 copper pipe with a valve on the end
18 of it. Copper pipe was to be
19 inserted inside the 40-foot steel
20 pipe.

21 Q. You mentioned the steel pipe
22 and you said 40 feet. That's how
23 long that pipe was?

24 A. Yes, it has to be.

25 Q. Okay. The steel pipe was ---

60

01 and approximately what's the diameter
02 of that, if you recall?

03 A. I'm almost certain it was two
04 inches.

05 Q. Okay.

06 A. It's between an inch and a
07 half and two inches.

08 Q. And that piece was 40-feet
09 long?

10 A. There was two joints screwed
11 together ---

12 Q. Okay.

13 A. --- that made 40 foot.

14 Q. Okay. And a copper pipe?

15 A. A copper pipe the same length
16 was inside that steel pipe with a
17 valve on the outby side of the seal.

18 Q. Okay. Do you recall how the
19 copper pipe --- what it went through
20 actually? In other words, you have a
21 two-inch --- let's say it's a
22 two-inch.

23 A. Yes, sir.

24 Q. And then you have a copper
25 pipe which was approximately ---?

61

01 A. One inch or half inch. Half
02 inch, I believe.

03 Q. How was that area sealed
04 around the annulus of ---?

05 A. Don't know, I was not there
06 for that construction.

07 Q. Okay. It wasn't all put
08 together at that time?
09 A. No, sir.
10 Q. Okay.
11 A. That was in the Number Ten
12 seal that I wasn't there for that
13 construction. I just know the
14 material was there for it and that
15 was in the plans because you have to
16 have a --- be able to get a gas check
17 off these seals whenever they're
18 finished.
19 Q. How was the area rock dust on
20 the inby side, the rock dusting on
21 the mine floor and the ribs? Can you
22 describe that a little bit to me,
23 please?
24 A. Fair. That area back in there
25 had been second mined and wherever

62

01 you're second mining, you're not
02 allowed in. But it was rock dusted
03 as far as the rock duster completion,
04 which is --- I don't know how far
05 that would be. You aim your snout
06 out there and it just sort of drifts
07 out. That's about all you can do
08 because you're not allowed in on the
09 second mining area.

10 Q. Was it like --- was it white,
11 grey?

12 A. Right up to the edge it was
13 white and it was grey after that.

14 Q. Edge of ---?

15 A. Edge of the second mining.

16 Q. Directly behind the seals?

17 A. Yes, sir.

18 Q. What was the roof conditions
19 like in that ---?

20 A. In that particular area?

21 Q. In the area where you put the
22 seals?

23 A. Stable.

24 Q. Stable. Was there any clay
25 veins or anything like that at all?

63

01 A. Not that I could see, no, sir.

02 Q. Any roof that was broken up
03 where you've had to put --- where you
04 put the seals at all?

05 A. No, sir.

06 Q. Inby/outby?

07 A. No, sir. I mean, just solid
08 --- it looked stable to me.

09 Q. Okay. Do you know anything
10 about the One North main seals at
11 all?

12 A. One North?

13 Q. Mains, yeah. Were you
14 involved --- I think you did say
15 earlier that you weren't involved in
16 any of the other construction of
17 seals in that mine?

18 A. Where is One North?

19 Q. Okay. That's directly ---
20 from the outside at the pit mouth and
21 you go directly in, straight in?

22 A. Oh, okay. I know which ones
23 you're talking about now. The only
24 thing I done to that, I was a scoop
25 operator at the time and I may have

64

01 hauled some supplies over to that.
02 That's the only thing I've done. I
03 did not help in the actual
04 construction of any of them.

05 Q. Okay. And those --- what type
06 of material did you haul in there?

07 A. I believe they were solid
08 cinder blocks.

09 Q. Okay. You mean concrete
10 block?

11 A. Yes, sir. They were built by
12 an independent contractor but I don't
13 remember who it was.

14 Q. Did you ever find any methane

15 or anything like that in that around

16 --- during your construction?

17 A. No, sir, no methane. Zero.

18 Q. And let's go over to the

19 table. I have a map of the sealed

20 construction area. Maybe you could

21 show me which ones you put in.

22 A. Okay.

23 MR. SWENTOSKY:

24 I guess we'll mark this

25 Exhibit One.

65

01 (Snyder Exhibit One

02 marked for

03 identification.)

04 BY MR. SWENTOSKY:

05 Q. Can you just --- this of

06 course being the outby on the side of

07 this hill. If you can just mark a

08 --- with a black marker, mark the ---

09 or circle the seals, the first seal

10 you went in and kind of just go down

11 the line.

12 A. In sequence?

13 Q. Yes.

14 A. All right. I'm not so sure

15 I'll get the sequence right. This is

16 the first one.

17 Q. That's Number ---.
18 A. This is Number Nine.
19 Q. Just put a number one there.
20 A. This will be the second.
21 These two here, I can't remember
22 which one went first. I believe it
23 was this one. Then this one. I
24 believe that's the sequence. I'm not
25 exactly 100 percent sure.

66

01 Q. Okay. For the record, you
02 placed a --- the first seal was built
03 in Number Eight entry and that would
04 be starting at Number One on the left
05 side, the 13 crosscut. Number Eight
06 entry was Number One. Number Two
07 seal was in Number Seven. Number
08 Three seal would have been in Number
09 Five, Four and Six entry. And Five
10 was built in Number Four entry.
11 Number Six was built in Number Three
12 entry. And the seventh seal would
13 have been in Number Two entry.
14 A. Yes.
15 Q. Correct?
16 A. That's correct.
17 Q. Does this kind of represent
18 the locations at all, kind of?
19 A. No, sir. Not entirely, no,

20 sir.

21 Q. How was that kind of

22 different?

23 A. My first attempt, this is what

24 I was talking about.

25 Q. Excuse me, before you put

67

01 that, how about drawing in with a
02 green marker, the location of your
03 first initial seal, which had to be
04 taken down.

05 A. Right here. The reason it was
06 taken down is I was eight foot from
07 the corner.

08 Q. Just put an eight right there,
09 if you would, please, indicating the
10 feet that it was.

11 A. It was between eight and six
12 feet.

13 Q. Okay.

14 A. And the reason was, I was used
15 to building the seals that are
16 between four and ten foot from the
17 corner rib because if we build them
18 further back in, we have to
19 ventilate. And this plan was calling
20 for ten feet or more.

21 Q. This plan, you're talking

22 about the Sago plan?

23 A. Yes, the Sago plan was calling
24 for ten foot or more with Omega
25 seals. And you had room if you let

68

01 them crush down because you have
02 another seal in front. That was the
03 reason. I was not aware of that
04 whenever I first started this. And
05 that's the reason I had to tear this
06 one down and move it back. I moved
07 it back and made it ten foot off of
08 this rib instead of in across.

09 Q. That would be ten feet from
10 the right rib of Number Eight entry?

11 A. Yes. And like I said before,
12 after going through that ordeal that
13 day and having to redo this work, the
14 rest of them we tried to get them
15 right, so we didn't have to ---.

16 Q. Those seals that you --- the
17 rest of the seals that you put in,
18 when you put those in, did you
19 actually just make them back ten feet
20 or did you make them more or were
21 they ---?

22 A. Sometimes more. It all
23 depended on the roll of the pavement
24 and height. That's why down here, I

25 skipped Number Four and done Number

69

01 Three first. Then came back to Four
02 and put it a little bit higher than
03 here in the rib. I think that this
04 is the one. That's all the way back
05 here where that one was built.

06 Q. Okay. You're talking about
07 your Number Four seal location?

08 A. Uh-huh (yes).

09 Q. And how far from the outby rib
10 to where the seals are? Do you
11 recall approximately how --- what
12 that distance might have been?

13 A. Sixty (60) feet roughly.
14 Roughly 60 feet, maybe more. I
15 believe these are 100-foot blocks.

16 Q. Can you kind of indicate with
17 that green marker the location of the
18 other ones, the best you can
19 recollect?

20 A. Right there.

21 Q. And that would have been
22 measured?

23 A. From the corner of the
24 shortest rib.

25 Q. Okay. And what would that

70

01 have been, that distance?

02 A. It would have been ten foot or
03 more.

04 BRIEF INTERRUPTION

05 BY MR. SWENTOSKY:

06 Q. Just speak up a little bit,
07 Mr. Snyder, for the court reporter.

08 A. That would have been ten foot
09 or more inby the corner of that
10 shortest rib. That's what the plan
11 called for.

12 Q. And that was your second seal?

13 A. That was my second seal, yes.
14 Like I say, ---.

15 Q. Could you mark down there just
16 to indicate. And I realize that
17 you're trying to remember and it's
18 tough. I understand that. Number
19 Four seal?

20 A. Looking at the Number Four
21 seal, we're talking 60 feet because
22 we had a high area and there was a
23 low brow at the far end of the entry
24 that was suitable height and that's
25 where we ended up doing the seal and

71

01 that's approximately 60 feet from the
02 ---.

03 Q. Just put approximate.

04 A. Approximately 60 feet.

05 Q. How about the Number Three

06 seal?

07 A. Number Three seal was within

08 10 to 15 feet from the corner. I'm

09 not exactly sure.

10 Q. And I understand these are

11 approximates, it's been a long time.

12 just whatever that distance might be,

13 put ten there, whatever you felt it

14 was.

15 A. Well, ten foot there.

16 Q. Okay. That's fine.

17 A. That's fine?

18 Q. No, I mean, 10 to 15.

19 A. But I can't probably on this

20 one, too.

21 Q. Okay. That's fine. The best

22 of your recollection is what we're

23 trying to obtain. And Number Five

24 ---

25 A. Number Five

01 Q. --- seal?

02 A. That was 10 to 12 feet. That

03 one there was a little tight, because

04 I couldn't go back any further.

05 Q. Number Six seal?

06 A. Number Six would have been
07 roughly the same, 10 to 12 feet.

08 Q. Okay. And the Number Seven?

09 A. Number Seven seal would have
10 been almost dead center from the
11 crosscut because that was the lowest
12 area of the seals. That would be
13 eight-foot mark. And that was dead
14 center.

15 Q. Just put center there if you
16 would, please. When you say ---
17 okay, these other --- the other
18 seals, One through Six, those were
19 approximately how high again?

20 A. They were less than those.

21 Q. Less than these? You actually
22 measured them?

23 A. Yes.

24 Q. And this Number Seven seal
25 which you put in, that you have

73

01 marked, which is in the center of the
02 block ---.

03 A. That was barely in by one
04 inch.

05 Q. Okay. That's close?

06 A. It was close.

07 Q. And how high was it outby and
08 inby at that one spot?

09 A. I'd say nine foot.

10 Q. And all these seals that you
11 put in were enveloped here?

12 A. No, sir, no polyester was
13 called for.

14 Q. The seal on Number One entry,
15 the angle seal --- and I understand
16 --- I know you didn't put it in. I
17 understand that. But do you know why
18 that location was chosen?

19 A. No, sir, I don't know why the
20 exact location ---.

21 Q. Did you --- in your travels
22 throughout there, and you spent a few
23 days with them, I understand that,
24 did you notice any like pipes or
25 rails, cables of any sort running

74

01 back through these areas or did you
02 have to remove anything like that?

03 A. The only thing I ever removed
04 was the screen out of Number Five and
05 Number Six entry.

06 Q. You didn't --- did you notice
07 anything in the other --- I know you
08 didn't build the seals in some of
09 these.

10 A. No, sir. I did not notice any

11 rails or anything of that type, no,
12 sir.

13 Q. No pipes or ---

14 A. No pipes.

15 Q. --- anything?

16 A. No.

17 Q. Even small pieces of wire or
18 something?

19 A. No, sir, no wire.

20 Q. What were the rib conditions
21 immediately outby those areas where
22 you installed the seals?

23 A. They were stable.

24 Q. Stable?

25 A. Yes, sir.

75

01 Q. No sloughing or ---?

02 A. No.

03 Q. Was any roof cracked or
04 anything?

05 A. No, sir. Not at Number Nine,
06 sir.

07 MR. SWENTOSKY:

08 One second.

09 OFF RECORD DISCUSSION

10 BY MR. SWENTOSKY:

11 Q. The configuration of the seal
12 location, it has Number Seven seal.
13 Why weren't the Number Two and One

14 entry seal just installed directly
15 across in the same block as the
16 remainder of those seals?
17 A. Ventilation purposes. The
18 seals had to be independently
19 ventilated in the section. And the
20 reason was, we had to stair step
21 Number One and Number Two back in out
22 of line with the rest of the seals to
23 get our ventilation to where it would
24 not interfere with the new Two Left
25 ventilation system.

76

01 Q. That's the only reason they
02 are moved back?

03 A. That's the reason that I was
04 told, yes, sir.

05 Q. Who told you that?

06 A. Superintendent.

07 Q. Who was?

08 A. Jeff Toler.

09 Q. You can sit down over here.

10 Do you want to take a break?

11 A. No, I'm okay so far.

12 Q. All right.

13 MR. SWENTOSKY:

14 We'll take a break

15 anyway.

16 A. Okay.

17 SHORT BREAK TAKEN

18 MR. SWENTOSKY:

19 Okay. We'll go back on
20 the record.

21 ATTORNEY RAJKOVICH:

22 I think he wanted to
23 clarify something that he had
24 said earlier.

25 MR. SWENTOSKY:

77

01 Sure.

02 A. I made the earlier statement
03 that I went over the seal plan with
04 everybody that I was working with.

05 BY MR. SWENTOSKY:

06 Q. Yes.

07 A. I went over it with everybody
08 that was helping me in charge. I
09 don't think I covered it with every
10 individual, the seal plan. I tried
11 to, but I may have missed one or two,
12 maybe three, I don't know.

13 Q. Okay.

14 A. I definitely went over it with
15 the individuals who took over after I
16 left, and that would have been Skip.
17 I went over the seal plan with him.

18 Q. Skip?

19 A. That's the --- I can't
20 remember his last name. It's Scott
21 something.

22 Q. Okay.

23 A. And I also went over it with a
24 couple of the foremen in the outby
25 crew that was helping me once in a

78

01 while.

02 Q. The outby crew that helped you
03 on occasion ---

04 A. Yes.

05 Q. --- that you were just
06 speaking of, ---

07 A. Yes.

08 Q. --- okay, you went over it
09 with all of those individuals?

10 A. Two of them I'm certain of.

11 Q. Okay. Who's that?

12 A. Marty Conrad and I think ---
13 pretty sure it's Jordan Harmon --- or
14 Harmon Jordan. I just wanted to
15 clarify that.

16 Q. Yeah, sure. No problem. Any
17 time you need to clarify anything,
18 you just let us know. Interrupt,
19 whatever, you know. It's not formal.

20 Were you there during and

21 observing all of the construction of
22 all the seals or did you leave at any
23 time while they continued to build or
24 ---?

25 A. I did leave at occasion while

79

01 they built --- build. When I had the
02 black hats available to watch the red
03 hats, yes, I did. I went out and I
04 took the scoop and went after
05 supplies on occasion.

06 Q. Okay. Were you ever ---
07 that's what --- you went and got
08 supplies you said?

09 A. Yes, sir.

10 Q. Did you ever go and take other
11 examinations or anything like that?

12 A. No, sir, not while the seals
13 were being built. I was
14 concentrating on the seals only.

15 Q. Did you ever construct two at
16 a time, two at one time? Meaning a
17 little bit of this one and have two
18 crews working on two different seals
19 at a particular time?

20 A. There was one occasion when I
21 believe that may have happened. I'm
22 not for certain on it, but when the
23 outby crew came to give us a hand, I

24 believe they started one before we
25 finished the preceding one. And I

80

01 can't remember which one --- which
02 two that would have been.

03 Q. You had mentioned that --- and
04 that was the very first seal that we
05 were speaking about, the Number Seven
06 seal, I believe.

07 A. I'm sorry?

08 Q. The one at Number --- the
09 first seal that you ---?

10 A. The first seal that I built?

11 Q. That you built. You mentioned
12 that Mr. Toler had come in and asked
13 you to move it back because it was
14 not built --- it was not being built
15 in the right place?

16 A. Yes, sir.

17 Q. And that was Mr. Toler himself
18 ---

19 A. Yes.

20 Q. --- who came in and said that?
21 How long approximately was he there
22 or what discussions did you have at
23 that point? Do you recall?

24 A. It was a one-sided discussion.

25 I did not argue the point.

01 Q. Okay.

02 A. He was there a while. I would
03 say roughly a half hour. He was on
04 his way through making his
05 inspections of the mines for that
06 day. I don't know what his other
07 inspections was, I just know we was
08 on the list that day.

09 Q. All right. How often did he
10 come around and, you know, see that
11 you were doing it correctly or ---
12 during the --- your time constructing
13 those seals?

14 A. I can distinctly remember that
15 one time and I'm pretty sure there
16 was a couple others. I can't
17 remember it. When I get into work
18 like that, I get into the brick and I
19 really don't pay attention who's
20 looking over my shoulder if nobody is
21 telling me I'm doing something wrong.

22 Q. But there were other times
23 that he came in?

24 A. Yes, sir, I believe so.

25 Q. What about Mr. Crumrine, the

01 mine ---?

02 A. Yes, sir, he was there, too.

03 Q. He came in and ---?

04 A. He was not there the day that
05 I had to move that seal, but on
06 occasion I did see him. The specific
07 date, I couldn't tell you the
08 specific dates.

09 Q. Did he give you any specific
10 instructions or comments or anything
11 during the construction?

12 A. Keep up the good work and ---.

13 Q. Good.

14 A. He came --- he made his
15 appearance after we had started on
16 that first one and had to move it
17 back. Like I said before, after that
18 first trial run, I wanted to get them
19 right after that and I didn't want to
20 have to redo any of them.

21 Q. Sure. Were the seals
22 constructed on all three shifts?

23 A. No.

24 Q. Two shifts or ---?

25 A. One shift.

83

01 Q. Just one shift?

02 A. While I was there, yes.

03 Q. Okay. You had mentioned you

04 passed the information onto the next

05 person, the next foreman or ---

06 A. Yes.

07 Q. --- whoever who would that
08 have been and when would that have
09 been?

10 A. That would have been November
11 the 9th, I believe. That was the
12 last day I was on the seals and
13 that's when I handed my seal plans to
14 Skip. I don't remember his last
15 name. His first name is Scott. He
16 was the GMS foreman.

17 Q. Okay. Was it contract foreman
18 at that time?

19 A. Contract foreman at that time.
20 I believe I heard that he is
21 currently company now.

22 Q. Okay. So then during that
23 period of time, you were the foreman
24 in charge at that time, and there
25 weren't any seals built on any other

84

01 shifts?

02 A. Not to my knowledge, no, sir.

03 Q. Were there any days when you
04 were off and someone took over for
05 your position?

06 A. Not on the --- not while I was
07 on the seals, no.

08 Q. You were the guy?
09 A. I was the guy.
10 Q. Okay. The mortar that you
11 used there, and we've had some
12 discussion about that, was that the
13 --- that's the only bag of mortar ---
14 type bag of mortar that you used?
15 A. That's all we were allowed to
16 use, yes, sir. That's all we used.
17 It was the bag with the blue stripe
18 on it.
19 Q. Never anything else?
20 A. No, sir.
21 Q. Whenever you removed the first
22 stopping location, you said you had
23 it halfway up and you did take some
24 other --- or use some of those blocks
25 over. How did you remove the mortar
01 from those blocks that you reused?
02 A. Scraped them off with a
03 hammer.
04 Q. Axe?
05 A. Hammer.
06 Q. Hammer. Like a claw hammer
07 type thing?
08 A. Block hammer.
09 Q. Oh, okay. Masonry hammer?

10 A. Yeah. I don't carry a pick
11 hammer, I carry a masonry hammer.
12 It's more useful than a pick hammer.

13 Q. Yeah. And the material is
14 like softer and that's how ---?

15 A. Yes, it was softer. I would
16 say that the part that was setting
17 up, we didn't --- we didn't even
18 bother to knock it from the rib. We
19 left it right there and when I left
20 the seal area, it was still there,
21 the first attempt we made. The ones
22 we couldn't reuse.

23 Q. What, did you just stack them
24 up along the rib or something?

25 A. No, they were cemented to the

86

01 rib.

02 Q. Oh, okay. You had mentioned
03 you went and got the water for the
04 mixing of the mortar at the belt,
05 pipe out at the belt or the track.

06 A. It was close to the belt. It
07 was at the booster pump behind the
08 power center, the exact location.

09 Q. And ---.

10 A. Because that was the only
11 location where I could drive the
12 scoop up to fill the cans up and it

13 would take close to 30 to 40 cans for
14 a day's work.

15 Q. And was it one can of water to
16 one bag or what was the ratio? Do
17 you recall?

18 A. That would roughly be about
19 correct.

20 Q. Was there water at all applied
21 to the blocks before you put them up
22 at all?

23 A. No, sir. Applied to the
24 blocks?

25 Q. Yes.

87

01 A. No, sir.

02 Q. Was there ever any time when
03 --- that was just how all seven of
04 those seals were built?

05 A. Yes.

06 Q. You never used BBond?

07 A. BBond?

08 Q. Yeah, as a mortar type ---?

09 A. Not on the seals, no, sir.

10 Q. You're saying not on the
11 seals.

12 A. Well, we use them on
13 stoppings.

14 Q. Stoppings, okay.

15 A. Yes, sir. That's a different
16 project. It's done --- I'm positive
17 while I was on the seals, we used the
18 correct cement, the white bags with
19 the blue stripe.

20 Q. Okay.

21 A. Because I even had to wait one
22 day for --- and do something else to
23 get more in to work with.

24 Q. Okay. Did it always come in
25 bags? It never came in buckets or

88

01 anything?

02 A. Bags, always bags.

03 Q. And you applied the mortar to
04 all the horizontal and the vertical -
05 --?

06 A. Yes.

07 Q. Completely, all the facing of
08 those?

09 A. To my knowledge, yes, sir.

10 Q. Did you always use the fly
11 boards or did you ever use like
12 plywood or anything like that?

13 A. No, sir. Plywood is --- there
14 was no plywood available, fly boards
15 was all they had. And we did have
16 more than enough to do the job.

17 Q. And the roof support applied

18 on the --- or installed on the outby
19 side of the seal?

20 A. Crib blocks.

21 Q. Cribs. How many cribs?

22 A. Two on the outby and two on
23 the inby. That's stacking an entire
24 set of cribs up.

25 Q. I believe you said four feet?

89

01 A. Four foot, within four foot of
02 the seal. Okay. The edge of the
03 crib has got to be within four foot
04 of the seal.

05 Q. Do you know who the --- did
06 anyone ever say to you who was
07 responsible for getting the plan for
08 those Omega seals approved?

09 A. No, sir.

10 Q. Do you know who the person was
11 that was responsible for purchasing
12 the seal materials?

13 A. No, sir. Excuse me. Excuse
14 me.

15 Q. Sure.

16 OFF RECORD DISCUSSION

17 BY MR. SWENTOSKY:

18 Q. Do you know why the mining was
19 stopped on the inby of the seals?

20 Did you ever work up on the inby of
21 the ---?

22 A. Yes, sir, I did.

23 Q. You did? Do you know why
24 mining was stopped up there at all?

25 A. Yes, sir, I do, it was adverse

90

01 conditions. The mining process
02 became intolerable.

03 Q. And when you say adverse, what
04 type of adverse conditions?

05 A. We was running into bad roof
06 and excess water.

07 Q. And you had stated earlier
08 there was second mining. What type
09 of second mining was there?

10 A. Bottom.

11 Q. Bottom. Do you recall --- did
12 you ever enter that area as an
13 examiner after the seals --- excuse
14 me, before installing the seals,
15 after they had moved it out of that
16 area?

17 A. No, sir. That was not part of
18 my job, no, sir.

19 Q. I said as an examiner, but at
20 any time as ---?

21 A. No, sir.

22 Q. No. Do you know if they left

23 any equipment up in there, such as
24 batteries, shuttle cars, anything of
25 any sort?

91

01 A. I don't know of any, no, sir.
02 And I cannot really see where they
03 would have left any. We were not on
04 that section that long. We weren't
05 in there long enough to have any old
06 equipment to leave in there. As far
07 as I know, everything come out of
08 there accountable --- accounted for.

09 Q. No batteries or anything?

10 A. Yes, all the batteries were
11 accounted for.

12 Q. Do you recall anyone ever
13 talking about methane problems up in
14 that area or ---?

15 A. No, sir.

16 Q. Did you ever hear anyone speak
17 about cutting through any type of
18 boreholes in any of the sections or
19 maybe you were there when they did or
20 ---

21 A. No, sir.

22 Q. --- any discussion to that
23 effect?

24 A. No, sir.

25 Q. Uncharted holes?

92

01 A. No, sir.

02 Q. Water wells?

03 A. No, sir.

04 Q. No boreholes at all?

05 A. No.

06 Q. Okay.

07 MR. SWENTOSKY:

08 Mr. Mills, do you have

09 any questions?

10 MR. MILLS:

11 Not too many. Yes.

12 BY MR. MILLS:

13 Q. Mine superintendent who

14 reviewed the plan with you was who?

15 A. Junior --- or Jeff Toler.

16 Q. Jeff Toler. You passed the

17 plan onto the next guy that was going

18 to supervise the seal, who was that?

19 A. His nickname is Skip. His

20 first name's Scott. I can't remember

21 his last name.

22 Q. Okay. That's the GMS ---?

23 A. He was the GMS foreman at that

24 time. I believe he is currently

25 company.

93

01 Q. Is he working at Sago now, do

02 you know?

03 A. No, sir. I believe he's

04 working at Philippi

05 Q. Do you know which of the seals

06 the sample line was to go in?

07 A. Pardon me?

08 Q. Which of the seals number was

09 the sample, the gas sample, line

10 going to go in? Do you know?

11 A. That would have been the

12 farthest one to the right, Number

13 Ten. That would have been the gas

14 sample seal.

15 Q. And then the water trap then

16 ---?

17 A. Would have been the farthest

18 one to the left, Number One.

19 Q. You used fly boards. Do you

20 know the length or width? You said

21 they were one-inch thick.

22 A. One-inch thick, roughly five

23 to six-inches wide, either 16 or

24 18-foot long. I'm not exactly sure

25 on that.

94

01 Q. What was the average width of

02 the entries where you built your

03 seals?

04 A. Between 18 and 19 feet.

05 Q. And then on occasion, did you

06 have to cut a short piece of fly

07 board to fit in or did you just use

08 one length of board?

09 A. We used one length on top,

10 yes, sir.

11 Q. What was the condition of

12 these boards, were they wet, dry?

13 A. Some of them were damp.

14 Q. Through and through or just

15 damp?

16 A. I don't know that.

17 Q. Okay. What about the wedges

18 that you used, were they dry, damp,

19 wet?

20 A. The same condition as the

21 boards, damp maybe.

22 Q. Well, you put --- if I

23 remember, you put three rows on each

24 ---?

25 A. Yes.

01 Q. Did you wedge each of the

02 three rows or just the inby and inby

03 (sic)?

04 A. The ones we were able to

05 wedge, yes, sir.

06 Q. So the middle row, would it

07 have been hard to ---?

08 A. It would have been difficult,
09 yes, sir.

10 Q. But you did wedge some of the
11 middle boards?

12 A. Where we could, yes, sir.
13 Where we could. Some of them, we
14 weren't able to squeeze back in to
15 get to the middle board. It got real
16 tight at the top. And if you had it
17 real tight, that's what you want is
18 tight. Some of them boards, we had
19 to drive in with a hammer. When you
20 drive them in with a hammer, you
21 can't get wedges in there all of the
22 time.

23 Q. Was there a sequence putting
24 these boards in? Did you put the
25 inby row in first and then the middle

96

01 row, then the outby row or ---?

02 A. We generally had two guys
03 finishing up the back side, so they
04 would put in the back board. The
05 center board was put in by the outby
06 side people because they had most of
07 the supplies.

08 Q. Who was responsible for

09 wedging the center board?
10 A. Everybody who worked on it.
11 Q. Okay. So it could have been
12 wedges from the inby side or outby
13 side?
14 A. Could be, yes, sir.
15 Q. Okay. I think you said you
16 completed seven seals.
17 A. Yes, sir.
18 Q. Did you start the eighth or
19 ninth or tenth seal?
20 A. No, sir, never started the
21 last three.
22 Q. Okay. I think you mentioned
23 that you removed or cut screen ---
24 A. Yes.
25 Q. --- in the old belt and track

97

01 at Five and Six entries?
02 A. Yes, sir.
03 Q. Did you just take a section of
04 screen down or did you have to
05 actually cut it with some device to
06 get it out?
07 A. We had to cut it with bolt
08 cutters and I was the one that cut
09 them out.
10 Q. And about how much screen did
11 you remove?

12 A. Roughly four to five feet ---
13 foot section.
14 Q. When the seals were completed,
15 about how far from the screen was the
16 seal at the roof?
17 A. Anywhere from eight inches to
18 a foot roughly. I'm not exactly sure
19 on that.
20 Q. Okay. I think most days you
21 supervised three red hats and one
22 black hat?
23 A. Most of the days, yes, sir.
24 Q. Were these Anker employees?
25 A. Two were GMS. One was --- I

98

01 think he became Anker. Yes, sir, one
02 was Anker --- or well, it would have
03 been ICG at that time, they were in
04 the --- in the process of phasing in
05 the ICG Company. I'm not exactly
06 sure whether he was Anker or ICG.
07 Q. Do you know ---?
08 A. It's kind of a blend at that
09 time.
10 Q. Do you know the names of the
11 two red hats that worked for GMS?
12 A. Yes, sir.
13 Q. Who were they?

14 A. Casey Short and George Brooks.

15 Q. And the other two guys worked
16 for Anker. Then the other crew of
17 four, who did they work for?

18 A. They were Anker. Now, the
19 third red hat that I had
20 periodically, I didn't have him all
21 the time, I can't remember his name.
22 He was GMS, but he was called onto
23 the bolt at a --- bolt lots of times
24 and I didn't have him all the time,
25 so ---.

99

01 Q. So all three of the red hats
02 were GMS employees; ---

03 A. Yes, sir.

04 Q. --- correct? And the one
05 black hat was an Anker employee?

06 A. I believe so.

07 Q. Okay.

08 A. I'm not 100 percent certain.

09 Q. Okay. You mentioned that you
10 removed screen in entries Five and
11 Six. Was there screen at Number Ten
12 or Number One entry?

13 A. I don't recollect screen being
14 at either one of them. I don't
15 recollect it, but I was through
16 Number One more than I was through

17 Number Ten.

18 Q. Do you know what the roof
19 control plan is about which entries
20 have to be screened?

21 A. The belt and track.

22 Q. Only the belt and track?

23 A. At that time. Now, we was
24 doing some reconditioning at that
25 time and I don't know what else had

100

01 to be screened at that time.

02 Q. How about the crosscut where
03 the second seal was going to go
04 between entries Two and Three, do you
05 know if there was screen on it?

06 A. Not to my recollection, no,
07 sir.

08 Q. You mentioned the seal on
09 Number Five entry, you had to be real
10 careful where you placed it. Why was
11 that, because of roof conditions?

12 A. Is that the one that's way
13 back to the far end?

14 Q. It's by the corner.

15 A. You lost me in this. Which
16 one are you talking about?

17 Q. This one here.

18 A. No, there was no adverse roof

19 conditions. It was just I made sure
20 I got within ten feet or more.

21 MR. SWENTOSKY:

22 What number seal was
23 that?

24 MR. MILLS:

25 That was the seal on

101

01 Number Five entry, he's got it

02 marked Number Three

03 installation.

04 A. See when I got in trouble on

05 that first one I started to build

06 because I didn't have it ten feet or

07 more inby. And that's the reason the

08 rest of them, I made sure they were

09 at least ten feet or more inby the

10 corner. That's why the distance

11 isn't exact. It's close. It is ten

12 feet or more.

13 BY MR. MILLS:

14 Q. The crib blocks that you used

15 inby and out, do you know what the

16 length of the cribs were?

17 A. Standard crib blocks. I

18 believe they're 18 to 20-inches

19 length.

20 Q. Sure?

21 A. I'm not sure. It might even

22 be two foot, but it's the standard
23 crib blocks. I never really did ---.

24 Q. Okay. You were the supervisor
25 in this area. Did you do the

102

01 pre-shift or on-shift exams for this
02 site?

03 A. Sometimes, not all the time.
04 The midnight crew coming off usually
05 gave a pre-shift of a work area.
06 Once in a great while, they would not
07 catch them and I'd have to do a
08 pre-shift before I would allow the
09 guys up in there to start. That
10 wasn't very often and I can't
11 remember when that occurred.

12 Q. Did you do the on-shift while
13 you were up there?

14 A. Yes, sir.

15 Q. And did you record those in a
16 book outside?

17 A. Yes, sir.

18 Q. And what would the name of
19 that book be? Is there a separate
20 book for this site?

21 A. There should have been. Yes,
22 sir, I believe there was. It is the
23 seal construction book I believe.

24 MR. MILLS:
25 That's all I have,

103

01 Denny.

02 MR. SWENTOSKY:

03 Okay.

04 BY MR. SWENTOSKY:

05 Q. During those constructions,
06 did you ever experience any problems,
07 and I know that's a general term, but
08 anything out of the ordinary or
09 anything that you didn't have the
10 right materials at the time, had to
11 wait or ---?

12 A. There was one time I had to
13 wait for materials to come from the
14 outside to complete one.

15 Q. Okay. But other than that,
16 ---.

17 A. Whenever them times --- no.
18 Other than that, no. Whenever them
19 times occurred, we had the overcast
20 to work on that was to be completed
21 at the same time as the seals. So
22 there was always work available.

23 Q. When you removed the screen,
24 how did you take that screen down?

25 A. With bolt cutters.

104

01 Q. You just cut the wire?
02 A. Cut the wire with bolt
03 cutters. We cut around each bolt
04 back as far as we needed to and the
05 chunks, take them and throw them
06 away.
07 Q. I know you've had a lot of
08 questions about these boards. But
09 did you ever measure the length of
10 those boards?
11 A. I never put a tape measure to
12 them, no, sir.
13 Q. Okay. And I think ---.
14 A. They were the standard ones we
15 used on the section.
16 Q. Okay. And I think you did say
17 that they came about a foot short on
18 each end?
19 A. Yes, sir, roughly.
20 Q. The conversation again with
21 Mr. Toler, where did that take place?
22 A. On the first seal I built,
23 which would have been Number Nine,
24 Number Seven entry.
25 Q. About how --- okay. Whenever
01 Mr. Toler initially spoke to you
02 about the seals, discussed the seals

03 with you and I believe that --- I
04 believe you had said, was that on the
05 surface?

06 A. Yes.

07 Q. The very initial ---?

08 A. The very initial time was in
09 the office on the surface before the
10 beginning of the shift.

11 Q. Okay. When you say the
12 office, his office or ---?

13 A. I believe it was his office.
14 It was in between his office and
15 Carl's office. Them two offices are
16 connected.

17 Q. Carl ---?

18 A. Crumrine?

19 Q. Crumrine, okay. Approximately
20 how long did that conversation last?
21 Do you recall?

22 A. Roughly five to ten minutes,
23 maybe a little bit longer. I don't
24 really remember.

25 Q. And again, realizing that I

106

01 think you did go over this, but just
02 for my clarification, could you tell
03 me what specifically you guys --- you
04 discussed with Mr. Toler?

05 A. The plans for the construction

06 of the seals.

07 Q. Did he go over each step with
08 you?

09 A. He went over each step with
10 the plan seals, yes, sir.

11 Q. Now, that would have been MSHA
12 the MSHA approved plan?

13 A. That was the MSHA approved
14 plans, yes, sir. That's one of the
15 reasons he was a little bit perturbed
16 when he found out I was putting it in
17 in the wrong place on the first one.

18 Q. Because it said in the plan?

19 A. Because it said in the plan,
20 yes, sir. And he made me move the
21 first one and I tried to get every
22 one of them right after that.

23 Q. Did he go through that page by
24 page with you?

25 A. Yes, sir.

107

01 Q. I think you mentioned that you
02 were on occasion taken off the seals
03 for --- to work on the track or
04 something?

05 A. While I was on the seals I was
06 not taken off until I was taken off
07 the 9th of November to be put on the

08 belt.

09 Q. On the belt. What was wrong
10 with the belt?

11 A. The beltman was off hurt. He
12 had a chronic back problem, went to
13 the chiropractor, the chiropractor
14 messed him up more and somebody had
15 to replace him, and it was me.

16 Q. Okay. You had mentioned that
17 the Number One seal was questionable
18 in the width?

19 A. Yes, sir.

20 Q. Okay. Why did you, again, ---
21 and again, I think I asked you, but
22 just for clarification for my
23 purposes. Why was that questioned?

24 A. Because of the location of it.
25 I would have to show you on the map

108

01 to clarify what I meant by that.

02 Q. Okay. That's fine. That's
03 the angle ---

04 A. Yes.

05 Q. --- seal, Number One entry?

06 A. Now, I wanted to keep it at a
07 ten foot inby, anywhere at ten foot
08 inby at this point.

09 Q. That would be the left corner?

10 A. Yes, sir, the left corner,

11 which took it way too long. I had a
12 question of where to stick it in here
13 to keep my distance. And this corner
14 on the right side was fine. It was
15 ---.

16 Q. Just for the record, that's
17 the right corner of the inby wall?

18 A. Yes, sir. That distance would
19 have been fine, but the angle was
20 questionable hitting the rib on the
21 left side. Now, if you brought it
22 back closer to this point, the
23 distance was fine.

24 Q. Where did that --- and that
25 --- and you're speaking about the

109

01 left rib. And where did the 20 feet
02 fit in? Where did that --- where
03 would it be right corner on the inby
04 block? Where would it have been
05 terminated to reach 20 feet?

06 A. The right corner --- the right
07 --- you're talking about this side?

08 Q. Yes, right corner on the inby.

09 A. That would have stayed ten
10 feet. That was not moved.

11 Q. So you had ---?

12 A. It was --- this side over here

13 was questionable. I didn't know how
14 they wanted to anchor it on this
15 side.

16 Q. To get to 20 feet, how close
17 to that corner would you have had to
18 take it?

19 A. I can't remember exactly.
20 Maybe six --- between six and eight
21 feet. I'm not exactly sure.

22 Q. I understand you didn't build
23 Number One.

24 A. Since I was pulled off of it,
25 I never paid any more attention to

110

01 it. It was, as the saying goes, not
02 my problem.

03 Q. Okay.

04 A. I had to concentrate on the
05 belt. And that was the only thing at
06 that point.

07 Q. Who did you have conversations
08 with about that, that seal, the angle
09 seal?

10 A. Jeff Toler.

11 Q. Jeff Toler?

12 A. Yes, sir.

13 Q. And was that on the surface or
14 was that underground at some point in
15 time?

16 A. That was on the surface.
17 Q. On the surface. During your
18 initial conversation?
19 A. No, sir. That was after I'd
20 been on the seals for a while and I
21 was getting transferred to the belt.
22 Q. Okay. So that would have been
23 somewhere around your last day that
24 you ---?
25 A. Roughly, yes.

111

01 Q. Where did that conversation
02 take place?
03 A. Outside.
04 Q. Outside. And what did he say
05 whenever you relayed that information
06 to him?
07 A. He said he would check into
08 it.
09 Q. Do you know if he ever did?
10 A. No, sir, I don't.
11 Q. Okay. We can sit down.
12 On occasion you had mentioned
13 that you had to leave the area to go
14 get supplies and do whatever else.
15 What were those lengths of time that
16 you would have been gone?
17 A. Roughly 45 minutes. Getting

18 the water took the longest.

19 Q. Okay.

20 A. The times that I went after

21 water did take the longest.

22 Q. How often did you have to

23 leave? And I know that's a rough

24 ---.

25 A. Maybe once a day.

112

01 Q. Once a day.

02 A. Maybe. Now, I didn't leave

03 every day.

04 Q. Okay.

05 A. But sometimes when I had the

06 people available there, it'd be once.

07 Q. And you would send --- they

08 would go --- someone else would go

09 get ---

10 A. Someone else would, yes.

11 Q. --- that's what you're saying?

12 Approximately how long did it take to

13 build one of those seals, if you were

14 able to start it and complete it?

15 A. If you had all the supplies

16 there to start it, we could almost

17 --- and I wouldn't guarantee we'd

18 finish it, but we could almost build

19 one a shift. It wouldn't be entirely

20 complete, but it'd be awful close.

21 And that's keeping one man mixing mud
22 all the time while the others laid
23 the blocks.

24 Q. And how many block layers did
25 you usually have?

113

01 A. Well, that varied whether the
02 outby crew helped us or not. Now,
03 when the outby crew helped us, we
04 could get one completed in a day.

05 Q. So there you had one
06 individual mixing the ---

07 A. Yes, sir, all the time.

08 Q. --- mortar?

09 A. We had to.

10 Q. And then to get one up in a
11 day, how many people did you have to
12 have or need on it?

13 A. At least four.

14 Q. Four block layers?

15 A. Yes, sir.

16 Q. During the construction and
17 the block layers, did they put their
18 own mud on or did they --- you know,
19 one guy lay them down, one guy put
20 the mud on and give it to them? Just
21 kind of how did that go?

22 A. It varied, depending on who

23 fell behind. Sometimes everybody was
24 wearing gloves so that they could
25 spread the mud if they had to.

114

01 Q. So on occasion, there would be
02 some ---?

03 A. Yeah. We had two guys mudding
04 constantly.

05 Q. Mudding meaning?

06 A. Slinging the mud on between
07 the joints. Whoever was free was
08 bringing blocks up to them and laying
09 them up for them. When you got to
10 the completed layer everybody helped
11 except the guy who was mixing the mud
12 because he had to keep the mud mixed.
13 Everybody helped spread the mud on
14 the top layer to start the next row.

15 Q. Okay. So sometimes there was
16 people putting mud on and then
17 another --- he would hand it to
18 another individual and lay it down?
19 Do I have that correct or ---?

20 A. I'm sorry? I don't
21 understand.

22 Q. Was there some occasions in
23 which one individual put the mud on
24 the blocks and handed it to another
25 individual to lay it in place?

01 A. No, sir. They would be mudded
02 on in place. You lay one down ---
03 you spread mud against the rib, you
04 lay your first one up and you cement
05 your joint, then you lay the next one
06 up against that and then you repeat
07 the process as it goes across.

08 Q. I got it. Did you keep any
09 notes or reports relating to the
10 construction of the seals?

11 A. No, sir, very little. The
12 only thing that I can even remember
13 that I kept is the date that I
14 started and the date that I quit on
15 the seals.

16 Q. Never kept any other notes or
17 anything like that?

18 A. No, sir. The construction was
19 pretty well straightforward.

20 Q. At the end of the day, you
21 reported to someone, you know, how
22 things were going or ---?

23 A. Yes, sir.

24 Q. Who would that have been?

25 A. That would have been either

01 Carl Crumrine or Jeff Toler.

02 Q. Did you ever report any, like,
03 problems that you might have had
04 during the day or ---? And I don't
05 know what problems those would be,
06 but I mean anything that would be out
07 of the ordinary or something wasn't
08 going right?

09 A. The only problem I had was
10 keeping the supply road open, and
11 that was not a problem. It was
12 tedious at times, but they did keep
13 the supplies coming.

14 Q. And the supply road, you mean
15 ---?

16 A. The rails.

17 Q. The rail?

18 A. Yes, sir. Getting supplies
19 dropped in for the next day's work.
20 That was not a --- it turned out to
21 not be a problem, but that was a
22 concern at the time, which it
23 ordinarily would be. Other than
24 that, I didn't experience any
25 problems with the seals, no, sir.

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01 Q. Did they have to keep any
02 water pumped from behind the seals
03 during that particular time or ---

04 A. No, sir.

05 Q. --- anything like that? There
06 wasn't --- they didn't have to do any
07 pumping inby or anything?

08 A. No, sir. That section's on a
09 steep downhill grade. Everything was
10 laying to the face, nothing was
11 coming out.

12 Q. And did you detect any methane
13 or anything while you were ---?

14 A. Not while I was on the seals,
15 no, sir. That area was ventilated.

16 No, sir, I did not.

17 Q. Did you ever hear --- after
18 all the seals were constructed, did
19 you ever hear any discussions about
20 how much methane that someone ---
21 when he made an examination of those
22 seals ---?

23 A. No, sir.

24 Q. Never heard of any methane
25 being detected around those seals

118

01 after they were constructed?

02 A. Not to my knowledge, no, sir.
03 But again, I will say that I was on
04 the belt so it was not my concern at
05 the time. Most of the times when I
06 got outside, when I was on the belts,

07 would have been in mid-shift for the
08 other crews. I wouldn't have heard
09 any discussions about that. I just
10 wasn't there to hear it.

11 Q. When you were taking --- taken
12 off of the seals, ---

13 A. Yes, sir.

14 Q. --- and you handed over to
15 Skip, ---

16 A. Yes, sir.

17 Q. --- did you hand over the
18 information, a copy of the plan to
19 him?

20 A. Yes, sir.

21 Q. Did you have any conversation
22 with him concerning the plan?

23 A. I went over the plan with
24 Skip, yes, sir. And I told him where
25 the material was laying for the

119

01 construction of the track in Number
02 One seal and the gas check valve and
03 everything in the Number Ten seal.

04 Q. When you went over it with
05 him, did you go over each page ---

06 A. Yes, sir.

07 Q. --- of the plan with him and
08 discussed it with him?

09 A. Yes, sir. I handed him my

10 copies, yes, sir. I went over --- I
11 even made some notes on them I
12 believe.

13 Q. What notes did you make?

14 A. Concerning the --- how to lay
15 the traps in.

16 Q. And how was that to be laid
17 in?

18 A. Well, within the 12 inches in
19 the bottom.

20 Q. That's the water trap you're
21 saying?

22 A. Yes, sir. You put your trap
23 on the outside, you fill it --- when
24 you're done with it, you put
25 antifreeze in it. Antifreeze does

120

01 not evaporate. And that holds your
02 gas check in there.

03 Q. In the ---?

04 A. And you have to crib up around
05 the trap so that any roof --- any
06 stray roof rock or something won't
07 damage the trap. You have to protect
08 it. And I explained all that to him.

09 Q. Do you recall, was there any
10 screws involved in putting the trap
11 together at all?

12 A. I was not in on the
13 construction of the trap.
14 Q. Okay. Whenever you saw
15 materials laying on the bottom, you
16 had mentioned you thought it was PVC
17 and it was about six inches, was it
18 all put together?

19 A. No, sir, it was in pieces.

20 Q. Just in pieces?

21 A. Elbows and ---.

22 Q. Okay. What about the gas
23 handling tube? What did you tell him
24 about the gas handling tube?

25 A. I told him it needed to be

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01 incased inside that --- in two joints
02 at 20 foot each, steel pipe. The
03 copper has to be inside so the roof
04 won't --- a rock fall or something
05 won't squish the copper pipe
06 together. That was the reason it was
07 there and you have to build the two
08 cribs supporting the steel pipe at
09 its 40 foot length.

10 OFF RECORD DISCUSSION

11 BY MR. SWENTOSKY:

12 Q. The bags, getting back to
13 those bags again. Do they have
14 instructions on them, on the outside

15 of the bag at all, any type of
16 instructions?

17 A. Mixing instructions?

18 Q. Any kind of instructions,
19 mixing, whatever?

20 A. Well, I'm sure they do. But
21 I've mixed enough cement to know that
22 you add water to it. I mean, it's
23 pretty straightforward.

24 Q. Okay. You didn't read the
25 instructions; right?

122

01 A. No, sir. No, sir. I mean,
02 you mix water to it until you're able
03 to apply it, and you don't want it
04 too less of water, you want enough to
05 where the --- all the dry lumps are
06 mixed up good and made wet and
07 pliable. I mentioned the consistency
08 before is what you aim for because
09 it's easy to work with and when you
10 reach that consistency, it's pretty
11 well mixed. You can't go wrong. And
12 we did not cut it with any other
13 material. It was straight cement out
14 of them bags. We didn't cut it with
15 any other material, no rock dust or
16 nothing.

17 Q. Okay.

18 MR. SWENTOSKY:

19 Can we go off the

20 record for a second?

21 OFF RECORD DISCUSSION

22 MR. SWENTOSKY:

23 We'll go back on the

24 record.

25 BY MR. SWENTOSKY:

123

01 Q. I just have a few more seal

02 questions. How were the fly boards,

03 as you call them, brought to the seal

04 area?

05 A. Come in on a flat car and then

06 we load them up on the scoop and

07 brought them over.

08 Q. How many fly boards would be

09 there at the time, at a seal site?

10 How many boards did you bring to that

11 seal site or ---?

12 A. Three per site.

13 Q. Three. Have any extras?

14 A. Yes.

15 Q. At that site, at --- during

16 that particular seal construction?

17 A. I brought more than necessary

18 ---

19 Q. Okay

20 A. --- so that we wouldn't --- I
21 didn't take a full count and I had
22 more than necessary brought over and
23 we stacked them up in --- between Two
24 and Three entry, I believe is where
25 they ended up, the extras.

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01 Q. Can you --- well, ---

02 A. Sure.

03 Q. --- we better do it first.

04 Can you show me where you stacked
05 those?

06 A. Yes, sir. They ended up along
07 this ridge right here in between
08 Number Two and Number Three entry.

09 Q. Could you just draw an oblong
10 circle or an oval type in that area
11 as to identify that as fly board
12 location?

13 A. Yes.

14 Q. Put it on fly board location
15 if you would, please.

16 A. The reason I had extras
17 because at that --- when I piled into
18 there, I still had three more seals
19 to do and I did not know I was being
20 pulled off to go on the belt at the
21 time that I piled them fly boards

22 there. That's the reason I had
23 extras.

24 Q. And was there a pile of boards
25 there when you were taken off? There

125

01 was still a pile of boards there when
02 you were taken off the seals?

03 A. To the best of my
04 recollection, yes.

05 Q. Approximately how many were
06 there, do you have any idea?

07 A. I'm thinking ten maybe.

08 Q. Ten in that pile?

09 A. Yes. But I'm not exactly
10 sure.

11 Q. I understand.

12 A. It may be less, it may be one
13 or two more. I really don't know for
14 sure. It was close to about ten.

15 Q. Close to ten. When you
16 completed a seal, were there ever any
17 occasion where you just left the
18 board --- you know, extra boards lay
19 at that location or did you take them
20 all away from that location when the
21 seal was completed?

22 A. Took them all away.

23 Q. So there wasn't any left ---?

24 A. No.

25 Q. Wasn't any reason to?

126

01 A. No, sir. We had to use them
02 on other ones if there was any
03 extras.

04 Q. Okay. Did you ever cut a
05 board?

06 A. No, sir.

07 Q. And the wedges, they were
08 brought to the site the same ---

09 A. Yes, sir.

10 Q. --- the same way?

11 A. The same way.

12 Q. How many wedges did you
13 generally use at that area at a time?
14 At the seal site, how many wedges did
15 it usually take for that seal?

16 A. Per seal?

17 Q. Yes.

18 A. Four to five, possibly six
19 bundles of wedges because we also
20 used the wedges to wedge up the crib
21 blocks.

22 Q. Okay. Would there have been
23 any wedges left behind at a seal
24 location, like you didn't use them
25 all or ---?

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01 A. It's possible, yes. It's
02 possible.

03 Q. The last seal that was put in,
04 and I --- realizing that you weren't
05 there. But how would the inby side
06 of that seal have been coated or what
07 was your plans for how you were going
08 to coat the inby side?

09 A. What was my plans?

10 Q. Yeah. Yes.

11 A. Well, you leave --- the very
12 last seal, you leave a cubbyhole big
13 enough to squeeze through it, and
14 that's for the smallest guy that you
15 can fit behind there. When he
16 squeezes through, you reach through
17 as far as you can and you cement
18 everything you can, stick the
19 farthest block in that you can and
20 then you cement around that one and
21 then you stick another one into that
22 one and then you cement in around
23 that one.

24 Q. Okay. When you left this
25 cubbyhole as we call it, ---

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01 A. Cubbyhole, yes, sir.

02 Q. --- would that have just been
03 in one location?

04 A. That would be on one seal,
05 yes, sir.

06 Q. One location on the seal?

07 A. One location, yes, sir.

08 Q. So really the last seal, and
09 correct me if I'm wrong, the last
10 seal, if he was reaching around, the
11 only part of that seal that would
12 have been coated on the inside as far
13 as he can reach; is that correct?

14 A. No, no.

15 Q. Okay.

16 A. He's standing behind the seal.
17 He's got everything plastered up on
18 the back side.

19 Q. Oh, okay.

20 A. He crawls through the hole.

21 Q. He goes through and then comes
22 back out?

23 A. No, no. He's on the back side
24 of the seal as we build it.

25 Q. Okay.

01 A. We build him in there.

02 Q. Okay.

03 A. We choose one guy to sacrifice
04 and we build him behind the seals.

05 Q. Okay.

06 A. We leave a big enough hole in
07 one corner for him to crawl back
08 through.

09 Q. Approximately how high would
10 that be?

11 A. I was not there. I do not
12 know which seal was built last.

13 Q. Have you built these seals
14 before ---

15 A. I have not built ---.

16 Q. --- at another mine?

17 A. I've built the solid block
18 seals before, not the Omega seals.

19 Q. I know you answered that
20 before but I couldn't remember at
21 this point.

22 A. That's how we would do it.
23 And you had the entire back side
24 plastered except for that hole that
25 this guy's going to crawl through.

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01 And you try to leave the cement off
02 where he's got to crawl through
03 because he's going to scrape every
04 bit of it off.

05 Q. Yes.

06 A. When he gets through there,
07 you plaster the back side of the
08 block and shove it all the way

09 through, then you plaster it all the
10 way around.

11 Q. Okay.

12 A. And then you plaster --- make
13 sure that the bottom's plastered real
14 good and the top's plastered good and
15 all the potential cracks. And you
16 shove more blocks, plaster blocks, in
17 on top of that. And I don't know of
18 any other way that you could possibly
19 do that.

20 Q. Is that what you did on the
21 block seals, type seals, you did?

22 A. Yes, sir.

23 MR. SWENTOSKY:

24 Before I move on to
25 training, did you want to ask

131

01 him a question?

02 MR. MILLS:

03 Yes.

04 BY MR. MILLS:

05 Q. Just the cribs that were built
06 inby the seals, at what phase of the
07 seal construction did you build
08 those, before you started?

09 A. Usually before you start the
10 seal.

11 Q. Were there occasions those
12 weren't built before you started?
13 A. There was one that was not.
14 Q. Okay. What number was that?
15 A. That was --- I can't remember
16 which one it is, it was up in the
17 right-hand side. But it was finished
18 because I got --- Skip told me about
19 it, that he had to carry them in
20 there to finish it up.
21 Q. So he carried ---?
22 A. It was ---. Yes, he had to
23 carry them, I think, two blocks. It
24 had to have been --- if he carried
25 them two blocks from Number Ten seal,

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01 that would have been the second one I
02 built. The cribs weren't --- I had
03 always planned on getting back there
04 to finish it. But you make sure all
05 your cribs are built when you get
06 ready to finish your last seal. And
07 I hadn't reached that point yet, but
08 I knew that that one hadn't been
09 finished. And I had had plans to
10 finish it, I just --- they never kept
11 me there long enough for me to
12 complete the plan. Now, Skip did
13 complete it. I know he did because

14 he complained about having to carry
15 the blocks to two breaks inby and
16 over to that seal to complete it,
17 because that was a handtruck job.
18 I'm positive --- I'm almost positive
19 he built it.

20 Q. Okay.

21 MR. MILLS:
22 That's all.

23 BY MR. SWENTOSKY:

24 Q. I have some training
25 questions. When was the last annual

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01 training class that you had attended?

02 A. That I've attended?

03 Q. Yes, sir.

04 A. I don't know of the exact
05 date. It was early last year over at
06 the prep plant.

07 Q. Like spring?

08 A. Yes, sir. I don't remember
09 whether it was in January or
10 February?

11 Q. Can you kind of describe to me
12 what they covered in those training
13 classes?

14 A. It's an annual refresher.
15 They go over the safety procedures.

16 We watch a couple films on safety.
17 We go over putting --- donning and
18 putting on the apparatus, the SCRS,
19 self rescuer. We go through the
20 procedure, and it is an all-day
21 class.

22 Q. Now, who conducted that
23 training?

24 A. It was Al Spoonover.

25 Q. Pardon me?

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01 A. Al Spoonover.

02 Q. Schoonover?

03 A. Schoonover, yes, sir. I'm
04 sorry.

05 Q. Okay.

06 A. I'm not good with names.

07 Q. Neither am I, but I just heard
08 that one quite a bit. Did you and he
09 sign a training form after you were
10 completed ---

11 A. Yes, sir.

12 Q. --- do you recall?

13 A. Yes, sir.

14 Q. Do you recall whether the
15 firefighting or the emergency
16 evacuation plan was reviewed?

17 A. Yes, sir, it was.

18 Q. Can you tell me a little bit

19 about that, what they went over or do
20 you recall?

21 A. You go over your escape --- it
22 has a map there, you go over your
23 escapeway on the map. You go over
24 establishing communication and it's
25 usually the buggy operators that

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01 establish communication. Then you go
02 over firefighting procedures and it's
03 usually the miner operator and the
04 mechanic that breaks the line on the
05 water hoses. And then the scoop
06 operator and whoever is left
07 available, if the roof bolters are
08 there, goes after rock dust to fight
09 the fires.

10 Q. Do you know who the
11 responsible person is at the mine as
12 far as directing the evacuation of
13 the mine in case of explosions or
14 fires or whatever inundations? Do
15 you know who that person is?

16 A. No, sir, I do not. I was the
17 --- the dispatcher is coordinated to
18 handle part of that. He keeps
19 communications open and I assume ---.

20 Q. Do you recall anyone ever

21 telling you who that --- who the
22 responsible person is?
23 A. I don't recall who it was, no,
24 sir. I do not. I may have been told
25 but I can't recall.

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01 Q. Okay. Are you familiar with
02 the location of the emergency
03 materials? And what I'm speaking
04 about is the --- like where all the
05 canvas, nails, hammers?

06 A. Canvas? You mean the
07 curtains.

08 Q. Brattice.

09 A. Brattice, okay.

10 Q. Canvas was old days I guess.
11 And board, brattice boards, do you
12 know where that location's at?

13 A. It would be up on the ---
14 close to the section.

15 Q. Is there another location that
16 you might be aware of or that might
17 be another supply that might be
18 located?

19 A. There might be another supply
20 at the mechanic's shed, close to Two
21 Right. There was some piled up there
22 at the One Left switch inside the
23 track on the right-hand side of the

24 track as you go up the mains.

25 Q. That was just a pile of

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01 materials?

02 A. It was a pile of materials.

03 They had rock dust, I believe, and

04 there was some brattices in there.

05 And I'm pretty sure every section has

06 their load of the brattice and rock

07 dust and material. That's usually

08 kept up with the power center or one

09 or two blocks outby or maybe three, I

10 don't really know.

11 Q. Okay. Tell me about that a

12 little bit. There's brattice boards,

13 curtain, hammers, nails, that kind of

14 thing on each section or --- is that

15 what you're saying?

16 A. Yep. Nails are usually

17 located at the power center in a box

18 or a bucket. The brattice is usually

19 on a rib between the end of the track

20 and the power center and it's usually

21 along the well-traveled walkway

22 coming --- leading up to the power

23 center.

24 Q. Okay. This is kind of ---

25 these materials are kind of located

01 in around that power center, but not
02 all in one location? It's just a
03 ---?

04 A. Yes. And everybody --- most
05 guys carry a hammer.

06 Q. Are you familiar with the
07 evacuation procedures?

08 A. Yes, sir.

09 Q. Can you explain those to me a
10 little bit? What ---?

11 A. The primary escapeway is down
12 the intake. You follow the green
13 reflectors. And I'm pretty sure they
14 were all in place. The secondary
15 escapeway is the track. You follow
16 the red reflectors and I'm pretty
17 sure that they were all in place.
18 That's what --- yeah.

19 Q. Did anybody --- or could you
20 explain the procedures to follow in
21 case of an --- of an explosion?

22 A. Head for your intake to see if
23 your intake's escapable first. I
24 would have to assume that if that way
25 was cut off, you'd try your track.

01 If that was cut off, your last
02 resort's go down the return. Then if

03 all three are cut off, you retreat to
04 the face and barricade.

05 Q. Was this some of the
06 discussion of the training session
07 that you're explaining to me?

08 A. It has been discussed in the
09 past, yes, sir.

10 Q. Okay. Anybody ---?

11 A. I don't really remember it
12 actually being discussed last year,
13 but it could have been discussed. I
14 just don't remember that part.

15 Q. Okay. Were the procedures of
16 barricading ever discussed?

17 A. Yes.

18 Q. And where was that?

19 A. I believe it was in that
20 class, the re-trainer we had last
21 year, I believe it was. I'm not 100
22 percent sure. But I have heard it
23 several times before.

24 Q. Can you explain that to me a
25 little bit?

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01 A. The barricading procedure?

02 Q. Yes.

03 A. Well, the standard procedure
04 if you have time to gather up the

05 materials and do it is to get cinder
06 blocks or stoppings and you find a
07 suitable spot and you build a wall
08 and plaster it air tight.

09 Q. Okay. What other method? You
10 said if you had the time to do that.
11 If you don't have time to do that?

12 A. Then you grab what's
13 available, a curtain or anything, and
14 you curtain off what you can and you
15 try to seal it. If you can't find
16 anything else, you use mud from the
17 bottom. You're talking about
18 desperate times there.

19 Q. Oh, yeah. Yes, I understand
20 that. It's okay. Do you want to
21 take a break?

22 A. No, I think I can handle it.

23 Q. Just take your time, Mr.

24 Snyder. You're doing very well. We
25 really appreciate you doing it. We

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01 know it's tough.

02 A. I'm sorry. I was just ---.

03 Q. That's fine. That's fine.

04 A. Explaining that part of it. I
05 was close to all them guys that got
06 killed and I know what they went
07 through.

08 Q. Yes, we understand. Just take
09 your time. Do you want a drink of
10 water?
11 A. No. I'm ready.
12 Q. Okay. Methane and oxygen
13 tests, have you been qualified for
14 that?
15 A. Yes, sir.
16 Q. Have you participated in
17 escapeway drills?
18 A. Yes, sir. Yes, sir, I have.
19 Q. Okay. Explain that to me a
20 little bit, will you, please?
21 A. There's a certain period of
22 time on the section, it's either 60
23 or 90 days, you go through the drill,
24 you take your crew out through part
25 of the escapeway. There's a certain

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01 distance.
02 Q. Have you traveled the
03 escapeway ---
04 A. Yes, sir.
05 Q. --- with ---?
06 A. Yes, sir, I have.
07 Q. Who would you have traveled
08 that escapeway with?
09 A. Men that got killed. That was

10 my crew.

11 Q. Okay.

12 A. I would like a recess, please.

13 Q. Sure.

14 MR. SWENTOSKY:

15 Surely. Go off the

16 record.

17 SHORT BREAK TAKEN

18 BY MR. SWENTOSKY:

19 Q. We'll try and get finished up

20 as soon as we can, Mr. Snyder.

21 A. I'm sorry I get emotional

22 about it.

23 Q. No, that's fine. That's

24 perfectly understandable. And don't

25 feel that way at all. The training,

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01 do you feel it was adequate, just in

02 general?

03 A. Yes, sir. Yes, sir, I do.

04 Q. Is there anything else that

05 you would like to see or any other

06 training that you think should be

07 added to the training program at all?

08 A. Where to locate extra oxygen,

09 that would be nice to have added to

10 it. Something about better

11 communication.

12 Q. Okay. Have you ever been

13 searched for smoking materials?

14 A. Have I ever been searched for
15 smoking materials?

16 Q. Yes.

17 A. Yes, sir. Yes.

18 Q. Okay. How often does that
19 occur?

20 A. Once a week.

21 Q. Have you ever observed anyone
22 smoking in the mine?

23 A. No, sir.

24 Q. Have you ever found any
25 smoking materials underground at any

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01 place, location or anything?

02 A. No, sir.

03 MR. SWENTOSKY:

04 Mr. Mills?

05 MR. MILLS:

06 Just one question.

07 BY MR. MILLS:

08 Q. Your annual refresher class,

09 ---

10 A. Yes, sir.

11 Q. --- did you have hands-on with
12 the detectors? Did you go in gas
13 boxes with those or ---?

14 A. Yes, sir.

15 MR. MILLS:

16 That's all I have.

17 That's it.

18 MR. SWENTOSKY:

19 Okay.

20 BY MR. SWENTOSKY:

21 Q. Has anyone offered you
22 anything or made any promise to you
23 in exchange for your appearing here
24 today?

25 A. No, sir.

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01 Q. Do you have anything else that
02 you would like to add at this time
03 that may be relevant to the
04 investigation or help us out in any
05 way?

06 A. Nothing that I can think of,
07 no, sir.

08 MR. SWENTOSKY:

09 On behalf of MSHA, I
10 would like to thank you for
11 appearing and answering
12 questions today. Your
13 cooperation is very important
14 to the investigation as we
15 work to determine the cause of
16 the accident. We ask that you
17 not discuss your testimony

18 with any person who may have
19 already been interviewed or
20 who may be interviewed in the
21 future. This will ensure that
22 we obtain everyone's
23 independent recollection of
24 the events surrounding the
25 accident.

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01 After questioning other
02 witnesses, we may call
03 --- we may call you if we have
04 any follow-up questions and if
05 we feel that we need to ask
06 you. If at any time, you have
07 additional information
08 regarding the accident that
09 you would like to provide to
10 us, please contact us at the
11 contact information that was
12 previously provided to you,
13 and that was the business card
14 with Mr. Gates' name on it.

15 The Mine Act provides
16 certain protections to miners
17 who provide information to
18 MSHA and as a result are
19 treated adversely. If at any

20 time, you believe that you
21 have been treated unfairly
22 because of your cooperation in
23 this investigation, you should
24 immediately notify MSHA. If
25 you wish, you may now go back

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01 over any answer you have given
02 during this interview and you
03 may also make any statement
04 that you would like to make at
05 this time.

06 A. The only thing I'd like to
07 clarify is the reason I got emotional
08 is I worked with this crew. This
09 used to be my old crew.

10 MR. SWENTOSKY:

11 Okay.

12 A. That's why I got emotional.
13 That's the only thing I'd like to
14 clear up.

15 MR. SWENTOSKY:

16 Thank you. And we
17 realize that. Again, I would
18 like to thank you for your
19 cooperation in this matter.
20 Thank you.

21 * * * * *

22 SWORN STATEMENT

23

CONCLUDED AT 11:25 A.M.

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