

STATEMENT UNDER OATH

OF

CHESTER RUNYON

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the MSHA Bridgeport
Field Office, 105 Platinum Drive,
Suite B, Bridgeport, West Virginia,
on Monday, February 20, 2006, at
11:58 a.m.

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1 A P P E A R A N C E S

2

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5 U.S. Department of Labor

6 Mine Safety & Health Administration

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3

4 A P P E A R A N C E S (continued)

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe
O'Donnell. I am an accident
investigator with the Mine
Safety and Health
Administration, an agency of
the United States Department
of Labor. With me is Tim
Williams, from the Solicitor's

1 Office, John Collins and Dave
2 Stuart with the West Virginia
3 Office of Miners' Health,
4 Safety & Training.

5 I've been assigned to
6 conduct an investigation into
7 the accident that occurred at
8 the Sago Mine on January 2nd,
9 2006, in which 12 miners died
10 and one was injured. The
11 investigation is being
12 conducted by MSHA and the West
13 Virginia Office of Miners'
14 Health, Safety & Training to
15 gather information to
16 determine the cause of the
17 accident. And these
18 interviews are an important
19 part of the investigation.

20 At this time, the
21 accident investigation team
22 intends to interview a number

1 of people to discuss anything
2 that may be relevant to the
3 cause of the accident. After
4 the investigation is
5 completed, MSHA will issue a
6 written report detailing the
7 nature and cause of the
8 accident. The MSHA accident
9 reports are made available to
10 the public in the hope that
11 greater awareness about the
12 causes of accidents can reduce
13 their occurrence in the
14 future. Information obtained
15 through witness interviews is
16 frequently included in these
17 reports. Your statement may
18 also be used in other
19 enforcement proceedings.

20 I would like to thank
21 you in advance for your
22 appearance here. We

1 appreciate your assistance in
2 this investigation. The
3 willingness of miners and mine
4 operators to work with us is
5 critical in our goal to making
6 the nation's mines safer. We
7 understand the difficulty for
8 you in discussing the events
9 that took place and we greatly
10 appreciate your efforts to
11 help us understand what
12 happened.

13 This interview with Mr.
14 Runyon is being conducted
15 under Section 103(a) of the
16 Federal Mine, Health and
17 Safety Act of 1977 as part of
18 an investigation by the Mine
19 Safety and Health
20 Administration and the West
21 Virginia Office of Miners'
22 Health, Safety & Training into

1 the conditions, events and
2 circumstances surrounding the
3 fatalities that occurred at
4 the Sago Mine owned by
5 International Coal Group in
6 Buckhannon, West Virginia on
7 January 2nd, 2006. This
8 interview is being conducted
9 at the Mine Safety and Health
10 Administration Field Office,
11 Bridgeport, West Virginia, on
12 February 20th, 2006.

13 Questioning will be
14 conducted by representatives
15 of MSHA and the Office of
16 Miners' Health, Safety &
17 Training.

18 Mr. Runyon, the
19 interview will begin by my
20 asking you a series of
21 questions. If you do not
22 understand a question, please

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

11 If at any time after
12 the interview you recall any
13 information that you believe
14 may be useful in the
15 investigation, please contact
16 Mr. Richard Gates at the phone
17 number and e-mail address
18 provided to you.

19 Your statement is
20 completely voluntary. You may
21 refuse to answer any question
22 and you may terminate your

1 interview at any time. If you
2 need a break for any reason,
3 please let me know.

4 A court reporter will
5 record your interview. Then
6 will later produce a written
7 transcript of the interview.
8 Please try and respond to all
9 questions verbally since the
10 court reporter cannot record
11 non-verbal responses.

12 Also try to keep your
13 voice up. Copies of the
14 written transcripts will be
15 available at a later time.

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

1 as you can, including any
2 information you have learned
3 from someone else. We may not
4 ask the right question to
5 learn the information that you
6 have, so don't feel limited by
7 the precise question asked.
8 If you have information about
9 the subject area of a
10 question, please provide us
11 with that information.

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

18 MR. COLLINS:

19 Yes. Mr. Runyon, the
20 West Virginia Office of
21 Miners' Health, Safety &
22 Training is conducting these

1 interview sessions jointly
2 with MSHA and are in agreement
3 with the procedures outlined
4 by Mr. O'Donnell for these
5 interviews. But the Director
6 reserves the right, if
7 necessary, to call or subpoena
8 witnesses or require the
9 production of any records,
10 documents, photographs or
11 other relevant material
12 necessary to conduct this
13 investigation. And also,
14 after the interview, if you
15 have additional questions or
16 wish to provide additional
17 information, here's a card
18 from Mr. Brian Mills. Thank
19 you.

20 MR. O'DONNELL:

21 Mr. Runyon, are you
22 aware that you may have a

1 personal representative
2 present during the taking of
3 this statement?

4 MR. RUNYON:

5 Yes, I am.

6 MR. O'DONNELL:

7 Do you have a
8 representative here with you
9 today?

10 MR. RUNYON:

11 Yes, I do.

12 MR. O'DONNELL:

13 And who is that?

14 MR. RUNYON:

15 Joe Yuh as.

16 MR. O'DONNELL:

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

20 MR. RUNYON:

21 No.

22 MR. O'DONNELL:

1 Are you aware that your
2 representative may have a
3 conflict of interest in
4 representing you while being
5 provided by someone else, such
6 as the company?

7 MR. RUNYON:

8 Yes.

9 MR. O'DONNELL:

10 Have you been pressured
11 in any way to accept this
12 person as your representative?

13 MR. RUNYON:

14 No.

15 MR. O'DONNELL:

16 With this
17 understanding, do you still
18 choose this person as your
19 representative?

20 MR. RUNYON:

21 Yes, I do.

22 MR. O'DONNELL:

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Do you have any
questions in regard to the
manner in which this interview
will be conducted?

MR. RUNYON:

No.

MR. O'DONNELL:

Will you please swear
in Mr. Runyon?

CHESTER RUNYON, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. O'DONNELL:

Q. Would you please state your
full name and spell your last name?

A. Chester Runyon, R-U-N-Y-O-N.

Q. And your address and phone
number?

A. [REDACTED]
[REDACTED]

Q. Are you appearing here

1 voluntarily?

2 A. Yes, I am.

3 Q. And how many years of mining
4 experience do you have?

5 A. Approximately 40 years.

6 Q. And I'm not going to ask you
7 to describe all 40 years, but could
8 you just give us a brief rundown on
9 the last several years?

10 A. The last several years, I've
11 worked outside the mines, hauling the
12 coal, end loaders, backhoes, loaders.
13 The last two years I've been back
14 underground.

15 Q. So when did you start at Sago?

16 A. April 15th two years ago.

17 Q. Two years ago?

18 A. Yeah.

19 Q. What's your present position?

20 A. Motorman, supply motorman.

21 Q. How long have you done that at
22 Sago?

1 A. Probably eight months.

2 Q. What did you do before that?

3 A. I was a scoop operator in the
4 section.

5 Q. Was this your job title on
6 January the 2nd?

7 A. Yes. Yes, it was. Motorman.

8 Q. Were you scheduled to work the
9 day of the accident?

10 A. No.

11 Q. What was the last day that you
12 worked?

13 A. The day before.

14 Q. Which would have been?

15 A. January 1st.

16 Q. What are your normal job
17 duties, Chester?

18 A. I haul supplies in the mines,
19 rock dust the tracks, belts and all
20 the track.

21 Q. Do you have any mining
22 certificates?

1 A. Yes, I have a miner's
2 certificate from years ago. I don't
3 remember all of them. I got
4 everything that come along.

5 Q. All in West Virginia?

6 A. Yeah.

7 Q. Anything in any other state?

8 A. Well, I had Kentucky, a
9 miner's certificate, ---

10 Q. Okay.

11 A. --- and electrician, and so
12 on.

13 Q. Who's your supervisor?

14 A. Lonnie Short.

15 Q. Lonnie Short. Do you
16 typically work the weekends?

17 A. Yes.

18 Q. Just your last day that you
19 worked, could you just give us a
20 rundown of what your activities were
21 that day?

22 A. There was only three of us

1 working that day. We came out and I
2 was sitting around the lamp house
3 drinking coffee while they fire
4 bossed. And then we started
5 ballasting track and hauled ballast
6 out all day. Late in the day, Lonnie
7 was wanting to check out a pump. And
8 he asked me and the other motorman to
9 go up with him at Two Left to check
10 the pumps and see why it wasn't
11 pumping. We went up and cleaned out
12 around the pump and pumped the water
13 out and shut it off and left.

14 Q. And that was it for the day?
15 Did you go outside after that?

16 A. Yeah.

17 Q. About how long did you work
18 that day?

19 A. Probably eight or nine, maybe
20 ten hours. I don't know.

21 Q. When you were in Second Left,
22 do you recall anything in the section

1 like position of equipment or ---?

2 A. Oh, yeah, some.

3 Q. What?

4 A. I went down the belt line and
5 actually Harold and Lonnie walked
6 ahead of me while I was securing the
7 motor and stuff at the end of the
8 track. I went up by the power
9 center. I thought they were saying
10 the water hole was right directly
11 behind the feeders. And I went in
12 behind the feeder and they was over
13 in the next block right there. I was
14 running around and the shuttle car
15 was sitting right there. The shuttle
16 car --- one on the other side when I
17 came around the block. I seen a
18 miner --- one of the miners sitting
19 up above inby there.

20 Q. That being Number Five entry?

21 A. Yeah.

22 Q. What about the Damascus

1 personnel carrier, do you remember
2 seeing it anywhere, the four-wheeler?

3 A. It was right in the track in
4 there. The little mantrip, the
5 battery-operated mantrip?

6 Q. Yes.

7 A. Yeah. It was sitting in the
8 track entry back there.

9 Q. How close to the end of the
10 track?

11 A. Oh, I couldn't say. It wasn't
12 very far away from it, you know.

13 Q. So it was parked down by the
14 supplies then?

15 A. Inby the supplies, yeah.

16 MR. O'DONNELL:

17 We have a map of the
18 section. It's right under my
19 briefcase. This is a map of
20 the Second Left section,
21 Chester. We'll mark this
22 Exhibit One.

1 (Runyon Exhibit One
2 marked for
3 identification.)

4 BY MR. O'DONNELL:

5 Q. And if you can, with this pen,
6 would you please mark the power box,
7 and the end of the supply track to
8 where that shuttle car is, all your
9 equipment there.

10 A. Let's see, the power center is
11 right here.

12 Q. You're marking it in Number
13 Five?

14 A. Yeah. And there was a shuttle
15 car sitting here.

16 Q. Which would be in Number Four.

17 A. And I can't remember right
18 clearly.

19 Q. Well, if you can't, that's
20 fine.

21 A. I'm thinking the shuttle car
22 was sitting here.

1 Q. Okay. That would be in Number
2 Five?

3 A. Yeah.

4 Q. Do you recall ---?

5 A. The track ended back probably
6 along here somewhere.

7 Q. And that's in Number Five?

8 A. Number Five. There was a load
9 of rails right here. There was an
10 empty car here and there was a supply
11 car here. It was blocked and ---.

12 Q. Here meaning in Number Five
13 entry ---.

14 A. Yeah. It's on the track.

15 Q. On the track?

16 A. Yeah.

17 Q. What about the Damascus?

18 A. It was sitting either here or
19 here, one of them.

20 Q. Okay. Here or here, which is
21 crosscut 21 or 22?

22 A. I remember going back through

1 the investigation here that it was
2 moved from where it was at the day it
3 was sitting there, the day before.

4 Q. It was?

5 A. Yeah. It was --- it seemed
6 like it pulled in, in toward here.

7 Q. Which would be crosscut 21,
8 between ---

9 A. Yeah.

10 Q. --- number Four and Five? So
11 you remembered it was moved?

12 A. It had been moved from where
13 it was at on Sunday.

14 Q. Now, was it close to where it
15 was at?

16 A. Yeah, it was probably 25 or 30
17 feet away. It looked to me like
18 somebody just got on it and drove it
19 into the rib and out of the way. I
20 know that it had been moved from
21 Sunday because it was sitting there
22 and the section had been freshly rock

1 dusted Saturday. And when we went
2 back, you could see the tracks in the
3 dust where it had been pulled. If I
4 ain't mistaken, there was a lifter
5 box or cribs or something right in
6 front of where it was sitting at. It
7 was sitting here.

8 Q. So it looked to you like it
9 was just moved out of the way?

10 A. That's what it looked like, it
11 had been moved out of the way. It
12 didn't look to me like anybody tried
13 to ride it or anything.

14 Q. Okay.

15 A. And there was a scoop sitting
16 right here, too.

17 Q. That's Number Five entry also?

18 A. Yeah.

19 Q. Behind the power box?

20 A. Back behind the power box.

21 And there was a rock duster and the
22 bucket of it.

1 MR. O'DONNELL:

2 We're going to mark
3 this power box.

4 A. It would have been in this
5 entry right here, where the scoop
6 would have been sitting.

7 BY MR. O'DONNELL:

8 Q. What would be?

9 A. The scoop was sitting right
10 here in the bucket outby direction.

11 MR. O'DONNELL:

12 Okay. Which is Number
13 Five entry. We're going to
14 mark this, the personnel
15 carrier as crosscut 21.

16 A. It could have been in 20.

17 BY MR. O'DONNELL:

18 Q. It could be 20?

19 A. Yeah. I'm just trying to go
20 by memory.

21 Q. So we're going to put Damascus
22 --- we're going to put it in 21

1 crosscut, between Number ---

2 A. Yeah.

3 Q. --- Five and Six?

4 A. After I think about it, it's
5 just about got to be back here
6 because this was an open break for
7 the scoop to come in and out to the
8 charger.

9 Q. Okay. So we'll cross that one
10 out, ---

11 A. Yeah.

12 Q. --- and put it back here at
13 20.

14 A. Yeah. Put the end of the
15 track along here.

16 Q. And we're marking the end of
17 the track, between 19 and 20 crosscut
18 of Number Five?

19 A. Yeah. The best I can
20 remember.

21 Q. Do you remember any of the
22 curtains in the section?

1 A. Yeah, I sure do.

2 Q. Could you please draw them on
3 the map?

4 A. I didn't go over in here.
5 That's where I come out. This way.
6 Check curtain here.

7 Q. Could you mark it as a check
8 curtain then? Just put a C in it.
9 There you go. And that's at 24
10 crosscut, between ---

11 A. Four and Five.

12 Q. --- Four and Five?

13 A. Yeah. There was a check
14 curtain here.

15 Q. That's in 24 crosscut, between
16 Seven and Eight. Where was the water
17 hole you were working at?

18 A. I think right here is where
19 the water was at.

20 Q. The water was at ---

21 A. Yeah.

22 Q. --- survey station 4279?

1 A. Yeah, it was in the
2 intersection there. There was a sump
3 over here.

4 Q. Sump meaning the neck off of
5 Eight, Eight towards Nine?

6 A. Yeah. It would have been
7 Nine. There was a fresh sump that
8 they just cut over. And we put the
9 line --- the row's already there, but
10 we were working on the line and
11 unstopped it and ran into that sump.

12 Q. Okay.

13 A. It seemed like there was a
14 check curtain right here. I'm not
15 real sure.

16 Q. If you don't know, that's
17 fine.

18 A. Yeah. I'm not really sure. I
19 remember looking around and talking.
20 Me and Lonnie and Harold was talking
21 while the pump was pumping the water.
22 And I made the comment, I never seen

1 a section look so good. It looked
2 like a fresh snow everywhere. The
3 curtains was standing almost longway
4 from the bottom, standing out through
5 there.

6 Q. So you say they rock dusted
7 it ---

8 A. Saturday.

9 Q. --- Saturday? Okay.

10 A. Either Friday or Saturday.
11 I'm pretty sure it was Saturday.

12 Q. And did you ever work in that
13 section?

14 A. Not this section here.

15 Q. What section did you work in?

16 A. I worked in the old Two Left
17 up there.

18 Q. The old Two Left meaning up
19 inby the seal area?

20 A. Inby, yeah. Inby the seals.
21 When we drove right up through there
22 I worked on the mains.

1 Q. So you worked that whole area
2 then?

3 A. Yeah.

4 Q. When you were in that area, do
5 you remember anything unusual in the
6 roof?

7 A. No.

8 (Runyon Two marked for
9 identification.)

10 BY MR. O'DONNELL:

11 Q. I have a picture of an area.
12 I'm going to point to it on the map
13 here. It's survey station 4010,
14 which is right here, right where the
15 section necked off. Did you ever see
16 these marks in the roof there ---?

17 A. Not until we went up there
18 with the investigation.

19 Q. You didn't see it when you
20 were working up in that area?

21 A. No.

22 Q. Have you ever seen anything

1 like that?

2 A. Never in my life. I've seen
3 fossils in the roof and everything
4 else, but I've never seen anything
5 with a direct straight line like that
6 is, not for that length anyway.

7 Q. Okay. Do you remember if ---
8 were you involved in the recovery of
9 any of the equipment up there in that
10 area, when they pulled out?

11 A. When they pulled out?

12 Q. Okay. So you don't know if
13 any other --- any equipment was left
14 there?

15 A. Well, I don't think it was.
16 We went back and recovered the belt
17 structures and stuff like that along
18 the track and hauled it back down the
19 track and put it off and crosscut
20 some.

21 Q. Were there any pumps in the
22 area?

1 A. There's a pump up there. I've
2 never been to it.

3 Q. Do you recall if that was
4 recovered?

5 A. Hearsay is that it was ---
6 they tried to pull it up and it
7 wouldn't ---. I wasn't in that ---.

8 Q. They tried to what?

9 A. I said they tried to pull it
10 out and they couldn't pull it. It
11 was too far in the water to recover
12 it.

13 Q. That's what you heard?

14 A. That's what I heard. I don't
15 know what ---.

16 Q. Do you know if they yanked the
17 cable too, cut the cable?

18 A. I heard they tried to pull it
19 with the cable, you know. And they
20 pulled the cable in two. And I heard
21 they cut the cable in two.

22 Q. Do you know if they removed

1 the cable?

2 A. No.

3 Q. You didn't know or you didn't
4 hear or ---?

5 A. I didn't hear. And I --- no,
6 I don't know because I wasn't there.

7 Q. You also said that you
8 delivered rock dust?

9 A. Right.

10 Q. Now, did you ever deliver any
11 rock dust to the old seal area?

12 A. To the end of the track.

13 Q. To the end of the track. How
14 much rock dust did you drop off?

15 A. Loads and loads. In fact, the
16 one time we took 36 bags of the bulk
17 bags.

18 Q. Thirty-six (36) bulk bags.
19 Now, how big is a bulk bag?

20 A. They're ton bags, 2,000-pound
21 bags.

22 Q. They're 2,000-pound bags and

1 you hauled how many?

2 A. Thirty-six (36) the one
3 weekend that we worked.

4 Q. And where did you put those?

5 A. At the end of the track.

6 Q. And the end of the track
7 you're saying is where?

8 A. They unload them off the car
9 at the end of the track and they took
10 them around towards the seals.

11 Q. Towards the seal area of
12 Second Left?

13 A. Right.

14 Q. And that dust was used
15 specifically in that area?

16 A. Supposed to.

17 Q. Okay.

18 A. That's where I took it to. I
19 don't know whether it was or not.

20 Q. So you know of 37 loads, any
21 more?

22 A. We took several pallets of bag

1 dust up there.

2 Q. Okay.

3 A. I couldn't give you a clue as
4 to how many. I know every trip we
5 took in --- if we took block in, we'd
6 have six lifts of blocks and the two
7 ends of the car would have a pallet
8 of dust on it to go with it.

9 Q. When you unloaded the stuff,
10 as a supply man, did you just push
11 cars in or did you actually do the
12 unloading?

13 A. I pushed the cars in and
14 hooked the chains or cables for them
15 to pull them off with the scoop.

16 Q. What about the seal area?
17 Were you up there when they were
18 building any seals?

19 A. No.

20 Q. Did you see them being built
21 at all?

22 A. No.

1 Q. Did you ever examine the area?

2 A. No.

3 Q. That covers that.

4 A. I don't think I was ever past
5 the end of the track once they
6 started mining into the Two Left
7 there, the main Two Left.

8 Q. Okay. Was there anybody in
9 the section when you went up to fix
10 the pump?

11 A. No.

12 Q. You said that you went with
13 Mr. Short?

14 A. Yeah, Lonnie Short and Harold
15 Baisden, the other motormen. Short
16 met us at the end of the track there.
17 Him and Mike Webb was working on a
18 skirt --- on a belt head down at Five
19 block. And we went out and Lonnie
20 said that he'd wait for us up there
21 on the track if we'd go down there
22 and help him with that.

1 Q. Okay. So all three of you met
2 there and then traveled in together?

3 A. Yeah.

4 Q. Was there any problem that day
5 with your trolley phone?

6 A. At one time there was. It
7 wasn't working in by the maintenance
8 shanty. The next to the last load of
9 ballast that we hauled, Lonnie showed
10 us how to fix the breaker on it, to
11 reset on a G05 receptacle.

12 Q. And did you test it after
13 that?

14 A. Yeah. I talked to the
15 dispatcher from Two Left. I heard
16 him when we was starting out. When
17 you're moving you get a lot of static
18 and stuff sometimes. When we got up
19 to the switch and I stopped at the
20 switch, I hooked my antenna on the
21 wire to make sure, you know, they
22 would.

1 Q. Is it a pretty reliable
2 system, or do you have problems with
3 it?

4 A. It's on and off. Right now
5 it's the best we ever had.

6 Q. Do you know what would cause
7 it to kick?

8 A. No.

9 Q. Have you had that problem
10 before?

11 A. Probably a couple --- three
12 times somebody had, because we had to
13 go down and set the little reset on
14 the repeater.

15 Q. Yes.

16 A. When we left the mines, it was
17 working that day.

18 MR. O'DONNELL:

19 John, do you have any
20 follow-up questions?

21 MR. COLLINS:

22 If I might, please.

1 BY MR. COLLINS:

2 Q. Mr. Runyon, did you say that
3 you had a West Virginia miner's
4 certificate, I believe you said?

5 A. Yeah.

6 Q. Then I missed the next part.
7 You said you've had pretty well most
8 of them?

9 A. Well, I've ---.

10 Q. Are you a certified West
11 Virginia electrician, mine
12 electrician?

13 A. I was. It's dead now.

14 Q. Okay. But you did have that
15 card?

16 A. Yeah.

17 Q. West Virginia mine foreman?

18 A. No. I never was a foreman.

19 Q. Any other West Virginia
20 certifications?

21 A. A shop foreman. I think that
22 in the old days they had ventilation

1 cards and belt cards.

2 Q. I think Mr. O'Donnell covered
3 very well about the seals, but I
4 think you did say that you hauled the
5 material in to build the seals?

6 A. Yes, I did, a lot of it.

7 Q. Did you haul --- are the
8 blocks used for the seals, those were
9 Omega blocks?

10 A. Omega.

11 Q. Are they different than normal
12 Omega blocks?

13 A. I don't know the difference in
14 them. Everything we hauled was the
15 same thing. It just said Omega
16 blocks. And it had the big sticker
17 and the plastic trowel on it.

18 Q. And did you haul in wooden
19 boards to be used with that?

20 A. I don't remember hauling
21 boards up there.

22 Q. Wedges?

1 A. Wedges, no.

2 Q. Mortar?

3 A. Mortar.

4 Q. Was that mortar different than
5 regular mortar?

6 A. Yeah. It was in a blue bag.
7 They specified, give me the one with
8 the blue bag to take up there.

9 Q. You're not sure about the
10 blocks, but someone told you to take
11 those blocks up to the seals; is
12 that ---?

13 A. We'd take them to the end of
14 the track and unload them. Skip
15 Scott and his crew and Harmon and him
16 was up there a few times.

17 Q. Then you said you took 36
18 bags, I think you said, wasn't it?

19 A. Yeah.

20 Q. Thirty-six (36) bags of
21 1,000-pound bags of rock dust to the
22 end of the track around the seal

1 area?

2 A. Yeah.

3 Q. You took that up there after
4 the track was pulled back to where it
5 is now?

6 A. Right. They moved it right
7 off the end of the track, there where
8 it is now.

9 Q. Okay. So that was --- you
10 unloaded that prior to the way the
11 ventilation is --- or was at the time
12 of the explosion?

13 A. Right.

14 Q. And how do you know there were
15 36 bags of that?

16 A. Well, we hauled 12 on a car
17 and we took three different cars up
18 there.

19 Q. Okay. Now, these 1,000-pound
20 bags of rock dust, they're used in a
21 machine, a rock dust machine?

22 A. They put them in a scoop

1 bucket with a swing duster.

2 Q. Did you do any of that?

3 A. No.

4 Q. Then I know also you've been
5 involved in the investigation ---

6 A. Yeah.

7 Q. --- of this explosion?

8 A. Yes, I have.

9 Q. And you believe there was a
10 methane explosion?

11 A. I know there was one.

12 Q. Do you have any other thing
13 you'd like to offer us on the
14 investigation, what you think
15 occurred or ---?

16 A. I'm like everybody else, I'd
17 just be guessing more than anything.

18 Q. But you're also the miner's
19 rep; right?

20 A. Yeah.

21 Q. Has anyone come to you with
22 any information of what may have been

1 an ignition source?

2 A. No. Everybody's pretty much
3 said the lightning caused it. They
4 just don't know where or how it got
5 in there. You know, all the men feel
6 it was lightning.

7 Q. You didn't help with the
8 seals. Did you help build any of the
9 ventilation controls, ---

10 A. No.

11 Q. --- do changes to those, ---

12 A. No.

13 Q. --- change to ventilation? On
14 Sunday, when you ballasted the track,
15 were you ever in the area of where
16 they're going to build the new
17 shop, ---

18 A. Yeah.

19 Q. --- at the end of Four track?

20 A. Yeah.

21 Q. And what were you doing there?

22 A. We just went by. I wasn't

1 ever in it. I wasn't over inside of
2 it, but just driving --- drove by it.
3 You can't keep from looking at it.
4 Every time you go around the curve,
5 it's right there in front of you. On
6 Saturday --- no, on Friday, we
7 delivered some sheet metal up there
8 to it because they wanted to seal it
9 off, part of it.

10 Q. On Sunday, when you were
11 ballasting the track, did you ever,
12 clear up into Two Right spur?

13 A. Clear ---?

14 Q. Did you ever get in there on
15 Sunday, do you remember?

16 A. No, we wasn't in there.

17 Q. As you went by Two Right spur,
18 did you observe any ventilation
19 damage on Sunday?

20 A. No.

21 Q. Do you have anything else
22 you'd like to offer us on what may

1 have happened? Any ideas,
2 suggestions?

3 A. Not really.

4 MR. COLLINS:

5 I think that's all we
6 have right now, Joe.

7 BY MR. O'DONNELL:

8 Q. Chester, did you ever return
9 back to the mine the day of the
10 accident?

11 A. Yes, I did.

12 Q. And what time did you get back
13 there?

14 A. Probably 7:50.

15 Q. In the morning?

16 A. Uh-huh (yes).

17 Q. Were you called out to the
18 mine?

19 A. No. I'm a volunteer fireman
20 and I was just called out through the
21 fire department.

22 Q. As a response?

1 A. Yeah.

2 Q. Okay. Tell us about your role
3 that day.

4 A. Well, mostly I was just around
5 there. I made coffee for the
6 victims' family and carried it around
7 to them for a while. Actually, after
8 that, I was on standby to take motors
9 --- you know, take supplies in, go
10 down and unload stuff to get ready to
11 go. Basically, just stood and
12 waited.

13 Q. What time did you leave that
14 night?

15 A. I didn't.

16 Q. You stayed at the mine all
17 night?

18 A. Yeah.

19 Q. Then into the next day, what
20 was your job?

21 A. On standby, waiting, ---

22 Q. Okay.

1 A. --- helping them to go get
2 boards.

3 Q. When did you leave the
4 property?

5 A. Probably eight o'clock the
6 next morning.

7 Q. That would be January the 3rd?

8 A. Yeah.

9 Q. When was the last time you had
10 your annual retraining?

11 A. March or April of last year.

12 Q. And did you have hands-on SCSR
13 training?

14 A. Yeah.

15 Q. Did you have to put it on?

16 A. Yeah.

17 Q. Do you feel the training was
18 adequate?

19 A. I feel it was, yeah.

20 Q. Have you ever been searched
21 for smoking materials?

22 A. Yeah.

1 Q. Did you ever see anyone
2 smoking underground at this mine?

3 A. No. I've never seen anybody
4 or I've never seen any smoking
5 material at this mine.

6 Q. Has anyone offered you
7 anything or made any promises to you
8 in exchange for you appearing here
9 today?

10 A. No.

11 Q. Do you have anything that
12 you'd like to add that may be
13 relevant to the investigation?

14 A. No.

15 MR. O'DONNELL:

16 For the record, we're
17 going to put the picture of
18 the area 4010 into the record
19 as Exhibit Two.

20 On behalf of MSHA, I
21 want to thank you for
22 appearing and answering

1 questions today. Your
2 cooperation is very important
3 in the investigation as we
4 work to determine the cause of
5 the accident. We ask that you
6 not discuss your testimony
7 with any person who may have
8 already been interviewed or
9 who may be interviewed in the
10 future. This will ensure that
11 we obtain everyone's
12 independent recollection of
13 events surrounding the
14 accident.

15 After questioning other
16 witnesses, we may call you if
17 we have any other follow-up
18 questions that we feel that we
19 may need to ask you. If at
20 any time you have additional
21 information regarding the
22 accident that you would like

1 to provide us, please contact
2 us at the contact information
3 that we gave you earlier.

4 The Mine Act provides
5 certain protections to miners
6 who provide information to
7 MSHA, and as a result are
8 treated adversely. If at any
9 time you believe you've been
10 treated unfairly because of
11 your cooperation in this
12 investigation, you should
13 immediately notify MSHA.

14 If you wish, you may
15 now go back over any answer
16 you have given during this
17 interview and you may also
18 make a statement that you'd
19 like to make.

20 A. Well, about the only thing I
21 got to say is, like I told you the
22 other day, I just feel that the

1 protocol really needs to be looked
2 at, for rescue work. I think the
3 protocol is what cost these men their
4 lives. We all knew that there had
5 been five people that went to 58
6 block, and noticed no fire there.
7 And MSHA and the state both knew that
8 there was no methane coming out of
9 that mine to cause any danger. I
10 just feel that they should have sent
11 a rescue team on.

12 MR. O'DONNELL:

13 Anything else?

14 A. No. You know, Aracoma Mines,
15 right behind this, had a raging fire
16 in it and they sent 16 teams in it.
17 I just can't understand why we didn't
18 get a team in our mine quicker. And
19 the listening device we're supposed
20 to have, I'd like to know why we
21 didn't have it.

22 MR. O'DONNELL:

1
2
3
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5
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9
10
11
12

Okay. Anything else?

A. That's it.

MR. O'DONNELL:

All right. Thank you
for coming by.

* * * * *

SWORN STATEMENT

CONCLUDED AT 12:35 P.M.

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