

STATEMENT UNDER OATH
OF
HARRISON TYRONE COLEMAN

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia on
Monday, February 21, 2006, at 1:47
p.m.

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

2

3 DENNIS J. SWENTOSKY

4 Supv. MS&H Specialist (Ventilation)

5 U.S. Department of Labor

6 Mine Safety & Health Administration

7 CMS&H, District 2

8 Paintersville Road

9 R.R. #1, Box 736

10 Hunker, PA 15639

11

12 JOHN COLLINS

13 West Virginia Miners' Health, Safety

14 & Training

15 One South Tenney Drive

16 Buckhannon, WV 26201

17

18 BRIAN MILLS

19 Inspector at Large, Region One

20 West Virginia Miners' Health, Safety

21 & Training

22 205 Marion Square

1 Fairmont, WV 26554

2

3

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

5

6 TIMOTHY S. WILLIAMS, ESQUIRE

7 Mine Safety and Health Division

8 U.S. Department of Labor

9 Office of the Solicitor

10 1100 Wilson Boulevard

11 Room 2211

12 Arlington, VA 22209-2296

13 COUNSEL FOR MSHA

14

15 MARCO M. RAJKOVICH, JR., ESQUIRE

16 Rajkovich, Williams, Kilpatrick &

17 True, PLLC

18 2333 Alumni Park Plaza

19 Suite 310

20 Lexington, KY 40517

21 COUNSEL FOR MR. COLEMAN

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I N D E X

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P R O C E E D I N G S

MR. SWENTOSKY:

My name is Dennis Swentosky. I am an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me here is Tim

1 Williams of the Solicitor's
2 Office, John Collins and Brian
3 Mills with the West Virginia
4 Office of Miners' Health,
5 Safety and Training.

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

21 At this time, the
22 accident investigation team

1 intends to interview a number
2 of people to discuss anything
3 that may be relevant to the
4 cause of the accident.

5 After the investigation
6 is completed, MSHA will issue
7 a written report detailing the
8 nature and causes of the
9 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future.

16 Information obtained
17 through witness interviews is
18 frequently included in those
19 reports. Your statement may
20 also be used in other
21 enforcement proceedings.

22 I would like to thank

1 you in advance for your
2 appearance here today. We
3 appreciate your assistance in
4 this investigation. The
5 willingness of miners and mine
6 operators to work with us is
7 critical to our goal of making
8 the nation's mines safer.

9 We understand the
10 difficulty for you in
11 discussing the events that
12 took place and we greatly
13 appreciate your efforts to
14 help us understand what
15 happened.

16 This interview with Mr.
17 Tyrone Coleman is being
18 conducted under Section 103(a)
19 of the Federal Mine Safety &
20 Health Act of 1977 as part of
21 an investigation by the Mine
22 Safety and Health

1 Administration and the West
2 Virginia Office of Miners'
3 Health, Safety & Training into
4 the conditions, events and
5 circumstances surrounding the
6 fatalities that occurred at
7 the Sago Mine, owned by
8 International Coal Group in
9 Buckhannon, West Virginia, on
10 January 2nd, 2006. This
11 interview is being conducted
12 at the U.S. Bankruptcy Court
13 in Clarksburg, West Virginia
14 on February 21st, 2006.

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

20 Mr. Coleman, this
21 interview will begin by my
22 asking a series of questions.

1 If you do not understand a
2 question, please ask me to
3 rephrase it. Feel free at any
4 time to clarify any statements
5 that you make in response to
6 the questions. After we have
7 finished asking questions, you
8 will also be given an
9 opportunity to make a
10 statement and provide us with
11 any other information that you
12 believe may be important.

13 If at any time after
14 the interview, you recall any
15 additional information that
16 you believe may be useful in
17 the investigation, please
18 contact Richard Gates at the
19 phone number and e-mail
20 address provided to you. And
21 here is his business card with
22 that information.

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MR. COLEMAN:

Thank you.

MR. SWENTOSKY:

Your statement is completely voluntary. You may refuse to answer any question, or you may choose to terminate the interview at any time. If you need a break at any time, just let me know.

The court reporter will record your interview and will later produce a written transcript of the interview. Please try and respond to all questions verbally since the court reporter cannot record non-verbal responses. Also please try to keep your voice up. Copies of the written transcripts will be available at a later date.

1 If any part of your
2 statement is based not on your
3 own first-hand knowledge, but
4 on information that you
5 learned from someone else,
6 please let us know. Please
7 answer each question as fully
8 as you can, including any
9 information that you have
10 learned from someone else.

11 We may not ask the
12 right questions to learn the
13 information that you have, so
14 do not feel limited by the
15 precise question asked. If
16 you have information about the
17 subject area of a question,
18 provide us with that
19 information.

20 At this time, Mr.
21 Collins, do you have anything
22 you would like to add on

1 behalf of the Office of
2 Miners' Health, Safety &
3 Training?

4 MR. COLLINS:

5 Yes. Mr. Coleman, the
6 West Virginia Office of
7 Miners' Health, Safety &
8 Training is conducting this
9 interview session jointly with
10 MSHA and are in agreement with
11 the procedures outlined by Mr.
12 Swentosky for the interviews
13 being conducted here today.

14 But the Director
15 reserves the right, if
16 necessary, to call or subpoena
17 witnesses or require the
18 production of any record,
19 document, photographs or other
20 relevant materials necessary
21 to conduct this investigation.
22 After the interview, if

1 there's additional questions
2 or you'd like to provide
3 information, here's a card for
4 Mr. Brian Mills.

5 MR. COLEMAN:

6 Thank you.

7 MR. COLLINS:

8 Thank you, Mr. Coleman.

9 MR. SWENTOSKY:

10 Mr. Coleman, are you
11 aware that you may have a
12 personal representative during
13 the taking of this statement?

14 MR. COLEMAN:

15 Yes, sir, and I do.

16 MR. SWENTOSKY:

17 And who might that be?

18 MR. COLEMAN:

19 Mr. Marco Rajkovich, my
20 attorney.

21 ATTORNEY RAJKOVICH:

22 Let me just state for

1 the record, too. Mr. Coleman
2 is here in his individual
3 capacity today to testify to
4 any facts he knows, but he is
5 not authorized on behalf of
6 the company to speak for the
7 company.

8 MR. SWENTOSKY:

9 Has anyone suggested to
10 you that you use this
11 representative?

12 MR. COLEMAN:

13 Myself.

14 MR. SWENTOSKY:

15 Okay. Are you aware
16 that the representative may
17 have a conflict of interest in
18 representing you while being
19 provided by someone else, such
20 as the company?

21 MR. COLEMAN:

22 I see no conflict.

1 MR. SWENTOSKY:

2 Okay. Have you been
3 pressured in any way to accept
4 this person as your
5 representative?

6 MR. COLEMAN:

7 No.

8 MR. SWENTOSKY:

9 With that
10 understanding, do you still
11 choose to have this person as
12 your representative?

13 MR. COLEMAN:

14 Most certainly.

15 MR. SWENTOSKY:

16 Do you have any
17 questions in regard to the
18 manner in which the interview
19 will be conducted before we
20 get started?

21 MR. COLEMAN:

22 Not at this time.

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MR. SWENTOSKY:

Okay. Could you swear
in Mr. Coleman, please?

HARRISON TYRONE COLEMAN, HAVING FIRST
BEEN DULY SWORN, TESTIFIED AS
FOLLOWS:

ATTORNEY RAJKOVICH:

I just assume, too,
everybody in the room is in
the investigation team?

ATTORNEY WILLIAMS:

That's correct.

MR. MILLS:

That's correct.

ATTORNEY RAJKOVICH:

Thank you.

BY MR. SWENTOSKY:

Q. Could you please state your
full name and spell your last name
for us, please?

1 A. Harrison Tyrone Coleman,
2 C-O-L-E-M-A-N.

3 Q. And could you give us your
4 address and telephone number, please?

5 A. [REDACTED]

6 [REDACTED]

7 I would rather not give you my phone
8 number.

9 Q. Okay.

10 ATTORNEY WILLIAMS:

11 This is your business,
12 is that right?

13 A. Yes.

14 ATTORNEY WILLIAMS:

15 Can we go off the
16 record a second?

17 OFF RECORD DISCUSSION

18 BY MR. SWENTOSKY:

19 Q. Are you appearing here
20 voluntarily today?

21 A. Yes, sir.

22 Q. And do you have a business

1 card or some information?

2 A. Yes, sir. It's got my
3 business contact information.

4 Q. Okay. Thank you.

5 MR. SWENTOSKY:

6 We'll call that Exhibit
7 One.

8 (Coleman Exhibit Number
9 One marked for
10 identification.)

11 BY MR. SWENTOSKY:

12 Q. And could you give a brief
13 description of your coal mine
14 employment history, please?

15 A. I started in the mining
16 industry in 1978 with the United
17 States Steel Corporation while I was
18 still in high school. I worked as a
19 miner 1978 through 1989 at various
20 positions, hourly and salary,
21 production, construction and with an
22 emphasis on health, safety and

1 training.

2 1989 I took a position as mine
3 safety instructor with the State of
4 West Virginia Department of Energy,
5 which is now the West Virginia Office
6 of Miners' Health, Safety & Training.
7 And throughout my mining career, I
8 was a mine rescue team member, mine
9 rescue team trainer. And with the
10 state, I was a mine rescue team
11 trainer and assisted with mine
12 emergency operations. And I have a
13 background in mining education and
14 training. Currently hold various
15 mining certifications and licenses.

16 Q. Okay.

17 A. For ICG, I'm the manager of
18 safety for West Virginia and
19 Maryland.

20 Q. And that was my next question,
21 what is your present position. Okay.
22 And just for the record, what is the

1 name of the company you're employed
2 by?

3 A. International Coal Group.

4 Q. Okay. And that's the full
5 name of the company?

6 A. To the best of my knowledge.

7 Q. Okay. Sounds good. And
8 again, how long have you worked in
9 your present position?

10 A. Since July 27th, 2005.

11 Q. And you've been associated
12 with the Sago Mine since that date?

13 A. Yes, sir, along with others
14 within the division as well.

15 Q. Okay. And could you kind of
16 just describe your normal job duties?

17 A. My emphasis is to manage the
18 safety program for ICG, along with
19 the existing program that was there
20 prior to ICG taking over. I set up
21 education and training classes,
22 conduct education and training

1 classes, along with certification
2 training classes, EMT, mine foreman,
3 shot fires, such as that.

4 Q. Okay. And what other mine are
5 you associated with in your position?

6 A. Sycamore, Sycamore II,
7 Imperial, Sago, Sentinel, Sawmill
8 Prep Plant, Sentinel Prep Plant,
9 Vindex, Patriot, those are surface
10 mines. Stony, underground mine.
11 That's it so far.

12 Q. Okay. That's plenty. And did
13 you hold the same position on January
14 2nd, 2006, the day of the accident?

15 A. Yes, sir, I did.

16 Q. Okay. Did you work on the day
17 of the accident?

18 A. No, sir, I was off that day.

19 Q. Okay. And what I want to do
20 is ask you some questions concerning
21 the post-explosion activities.

22 A. Yes, sir.

1 Q. Okay. Can you tell us when
2 you first learned of the explosion at
3 the Sago Mine?

4 A. It was approximately 7:30 a.m.
5 or thereabouts to the best of my
6 knowledge. Jerry Waters come to my
7 residence and notified me that there
8 was a --- they hadn't been able to
9 get in touch with the underground
10 crew.

11 Q. Okay. And who is Jerry
12 Waters?

13 A. He is our purchasing director.

14 Q. And when you say purchasing
15 director, is that for Sago Mine or is
16 that for the company or ---?

17 A. I don't know.

18 Q. Okay. And what information
19 did he give you at your residence?

20 A. It was really very sketchy.
21 He said that there was --- something
22 happened at Sago and I needed to get

1 there and see what's what. They was
2 unable to get ahold of the men
3 underground.

4 Q. Okay. And to your knowledge,
5 did they try your phone at your
6 residence or ---?

7 A. I don't know. There was a ---
8 I didn't get any calls. My beeper
9 and cell didn't go off. But there
10 was a huge storm that morning, so I
11 don't know if that had anything to do
12 with it or not. But he came and
13 knocked on my door.

14 Q. Starting when you first
15 learned of the explosion, can you
16 tell us as much as you can remember
17 about the activities and follow
18 through until the time the rescue
19 efforts were completed. Just kind of
20 give us a little description.

21 A. En route, I called Johnny
22 Stemple, who is my assistant, and

1 told him to go ahead and activate ---
2 put the mine rescue teams on standby.
3 He said he had already done so. And
4 I called the mines while en route.
5 I'm probably 20 minutes away from my
6 residence to Sago, plus or minus ten
7 minutes. I was trying to get
8 information while I was going.

9 I had contacted the mines and
10 they said that some of the
11 supervisors had went underground to
12 ascertain why they couldn't
13 communicate, you know, with the men.

14 And when I arrived at the mine
15 site, the men had already gotten out.
16 And basically they said that they
17 felt pressure and some sort of a ---
18 they said there was some debris. It
19 sounded like they experienced some
20 sort of blast or percussion or
21 concussion.

22 Got on the mine phone and

1 couldn't get ahold of nobody. And
2 started notifying the state and MSHA.
3 And in fact, I had told John Stemple
4 to do that, and he had some
5 difficulty because it was a holiday,
6 but they had already called and left
7 numbers.

8 And the first mine rescue team
9 that got on site was Barbour County.
10 MSHA had --- Johnny had informed me
11 that MSHA had issued a verbal (k)
12 order. Johnny Stemple. I don't
13 remember which inspector it was who
14 said we was under a (k) at that time.

15 Then they started arriving.
16 And we started, you know, just
17 working the rescue. When the backup
18 teams got there, you know, we started
19 monitoring the fan --- excuse me, the
20 return, because it's a blow-in
21 system, and monitoring constituent
22 levels and just started getting

1 resources to come that way.

2 And we was waiting to see what
3 type of --- what the constituents
4 were going to do as far as go up, go
5 down, what the case may be, because
6 we didn't know what we was going to
7 have.

8 Then when they got outside and
9 surfaced, Jeff Toler, Al Schoonover,
10 Owen Jones, I think there was maybe
11 one or two more, but that's what I
12 can remember, and they said that, you
13 know, they had gotten to as far as 58
14 block and had encountered smoke and
15 debris. And at that time, they
16 elected to withdraw and we started
17 working rescue.

18 Q. Okay. I wanted to started
19 back again and start filling in ---

20 A. Sure.

21 Q. --- some blanks that I might
22 have and as we go through. So then

1 when you --- after Mr. Waters had
2 notified you at home, then did you
3 make any calls before you left your
4 residence?

5 A. No. I did everything en
6 route.

7 Q. Okay. And the first person
8 that you called was who?

9 A. John Stemple.

10 Q. John Stemple. And ---.

11 A. Because Johnny --- the reason
12 why, because Jerry said for me to
13 call Johnny. And I called him and he
14 had --- I don't remember who he had
15 talked to, but said that they ---
16 said the outside man said that he
17 couldn't get ahold of them and that
18 the power had knocked. And that he
19 had --- because I had told John to
20 stay at home and just start getting
21 resources coming that way. And I
22 told him to keep a timeline because I

1 was going to work the rescue and be
2 the hands-on part.

3 Q. Okay.

4 A. And I'm glad I did that, too,
5 because he was more productive there.

6 Q. Okay. So then you --- on your
7 travels to the mine, you talked to
8 Mr. Stemple, as you just described.
9 Did you make any additional calls
10 while en route to the mine?

11 A. I'm sure I did, but I called
12 --- I called so many different people
13 just to say, hey, look, give you a
14 heads up, we may have an event. Then
15 we got --- there was a time there
16 when early on when we had trouble
17 getting there, getting information to
18 the mines because everybody was
19 calling in and calling out.

20 Q. Okay. Just on your route to
21 the mine in your vehicle, Mr. Stemple
22 and you don't recall who else you

1 might have called?

2 A. I called Chuck Dunbar, just to
3 give him a heads up and he said he
4 was either almost there or there, one
5 of the two.

6 Q. So he was already aware of the
7 situation when you spoke to him?

8 A. Well, I don't know how much
9 aware he was, but he knew we had an
10 event.

11 Q. Event, okay.

12 A. Something happened.

13 Q. Okay. He was going to the
14 mine because of the ---

15 A. Yes.

16 Q. --- whatever situation it was?

17 A. Yes.

18 Q. Okay. And approximately what
19 time did you leave home? Do you
20 recall?

21 A. To the best of my knowledge,
22 I'm going to say maybe five or ten

1 minutes, 7:35, 7:40.

2 Q. Okay. I understand.

3 A. I just threw my clothes on and
4 went straight out the door.

5 Q. And after you had spoken to
6 Mr. Dunbar then, do you recall any
7 other phone calls that you made
8 before getting to the mine?

9 A. No, sir, not right off I
10 don't.

11 Q. Okay. And who did you speak
12 to first when you arrived at the
13 mine?

14 A. I don't remember who first. I
15 know Carl Crumrine, the outside guy.
16 I mean, ---.

17 Q. Okay. Do you recall what time
18 you did arrive at the mine?

19 A. Not specifically, but it's a
20 20-minute drive, because I was
21 concentrated on getting resources ---

22 Q. Sure.

1 A. --- and getting people to come
2 that way.

3 Q. Sure. I understand.

4 A. After I called Mr. Dunbar ---
5 I want to back up a little bit.

6 Q. Sure.

7 A. I had called Raymond Coleman,
8 who's the production coordinator ---
9 he lives in Pocahontas County --- to
10 start to head that way.

11 Q. And Raymond Coleman, you say
12 production ---

13 A. Coordinator.

14 Q. --- coordinator. Is that for
15 just Sago Mine or for the company?

16 A. He's over that division.

17 Q. Okay.

18 A. He's my counterpart.

19 Q. Okay.

20 ATTORNEY WILLIAMS:

21 You said division a few
22 times. I wanted to be clear.

1 Are you talking about Maryland
2 and West Virginia, that
3 division?

4 A. No. No, sir. The Buckhannon
5 division is made up, at that time, of
6 Sago, Sycamore, Sentinel and the two
7 plants. At that time.

8 BY MR. SWENTOSKY:

9 Q. That was on the day of the
10 accident?

11 A. Yes, sir.

12 Q. Okay. And when you referred
13 previously to division, that's what
14 you ---

15 A. Yes, sir.

16 Q. --- meant by division?

17 A. Yes, sir.

18 Q. Okay. And Mr. Raymond
19 Coleman, he is the production manager
20 for that division ---

21 A. Yes.

22 Q. --- that you've just

1 described?

2 A. Yes.

3 Q. Okay. And did you notify
4 MSHA?

5 A. Did I? No. I didn't because
6 John Stemple had said that he had
7 taken care of that.

8 Q. Okay. Did he say who he
9 notified?

10 A. Sir, if he did, I don't
11 remember, because I just said, you
12 know, make sure that the notification
13 gets taken care of.

14 Q. Did he notify the state?

15 A. I was told that he did.

16 Q. Okay. And do you know who he
17 notified for the state?

18 A. No, sir.

19 Q. Okay.

20 A. At that time, I was focused on
21 ascertaining what the event was and
22 the people.

1 Q. Yes. And I do realize all
2 that, but you know I'm just trying to
3 ---

4 A. Yes, sir.

5 Q. --- find out if you recall the
6 certain events.

7 A. Yes.

8 Q. I just like to check at least.
9 Okay.

10 So you don't know who in those
11 two agencies, MSHA and the state,
12 that he --- that Mr. Stemple
13 notified?

14 A. No, sir.

15 Q. Okay. And would you happen to
16 know whether he notified MSHA or the
17 state --- do you know approximately
18 what time he did that?

19 A. No, sir. I mean, I spoke to
20 him from --- between 7:35, 7:40 'til
21 I arrived at the mine several
22 different times.

1 Q. So it was done before 7:40
2 when you arrived at the mine, okay.

3 A. I would think so.

4 Q. Yeah, if you said you did, so
5 it would be before that time; is that
6 correct?

7 A. He told me that he had.

8 Q. Okay. Good enough. Just let
9 me ask you one more question about
10 that. When he, Mr. Stemple, said
11 that he notified, did he specifically
12 say he did or did he have someone do
13 it, or do you know?

14 A. I'm trying to think of the
15 correct verbiage. He said either ---
16 I said, the notices is out? He said,
17 yeah, the state and feds and that's
18 ---.

19 Q. Okay. That's good enough.
20 Thank you. Okay. When you arrived
21 at the mine and you thought you might
22 have spoken to Mr. Crumrine, but just

1 --- did you talk to the dispatcher at
2 all or go to the dispatcher's office
3 at any point?

4 A. I had a mine phone --- just
5 when I went right into the door.

6 There was a mine phone in the
7 superintendent's office.

8 Q. Okay.

9 A. And I mean, I could hear them
10 --- I could hear them calling inside.

11 Q. Okay. Is that the first
12 office you went to?

13 A. Yes, sir.

14 Q. The superintendent's office?

15 A. Yeah, just right when you come
16 in the door, it's there, it's got the
17 phone and all.

18 Q. Okay. And who did --- did you
19 speak to Mr. Toler in there or was he
20 outside yet?

21 A. He wasn't outside yet.

22 Q. Okay.

1 A. I don't --- well, I don't
2 believe he was. He wasn't in the
3 office.

4 Q. Okay. And did the --- did you
5 speak to the dispatcher at all?

6 A. Not initially.

7 Q. Okay. When you got to the
8 mine then, you went into the --- Mr.
9 Toler's office there. And then what
10 did you do next?

11 A. By that time, I was just there
12 just a few minutes when --- I'm
13 trying to think who the federal man
14 was, because it wasn't no time, they
15 was there. I mean, I don't remember.
16 I'm sorry.

17 Q. Okay. Well, maybe start at
18 the first thing that you recall after
19 arriving at the mine.

20 A. All right. Well, I'd been
21 there a few minutes and that's when
22 Jeff and Al had come back from

1 underground and that's when they
2 started briefing me on what they had
3 encountered.

4 Q. Okay. Up to that point
5 though, had you been relayed any
6 information concerning any CO alerts
7 and alarms that morning?

8 A. Yes, Jerry --- when I had ---
9 I had talked to --- when Jerry had
10 talked to me originally, he said that
11 he couldn't contact them underground,
12 that Owen Jones --- he said Owen
13 Jones had called out and he believed
14 that there had been some kind of an
15 explosion. And he said that the ---
16 I don't know if he said that the CO
17 monitor was going off then or when I
18 got there, I forget who it was that
19 told me that it was --- that it had
20 went off. But the people was already
21 --- was outside.

22 Q. Okay.

1 A. I don't remember.

2 Q. Okay. And when you were just
3 speaking about Jerry telling you this
4 information, you were speaking ---
5 you had gone back to where you were
6 contacted at home that he told you
7 this?

8 A. Yes.

9 Q. Okay. So then when you got
10 --- and then going back now to where
11 we were at the mine and you were ---
12 at that point there, when was the
13 first time that anyone had related to
14 you any CO alert or alarm levels or
15 spoke to you about that?

16 A. I mean, I knew we had CO
17 because I was talking to, you know,
18 Jeff and Al and they said, you know,
19 that they had smoke, so ---.

20 Q. Well, before they came outside
21 --- or how long were you at the mine
22 before you spoke to Mr. Toler or Mr.

1 Wilfong or the office?

2 A. Just a few minutes.

3 Q. Just a few minutes?

4 A. Yeah. I don't know how many
5 but ---. Because after that it
6 wasn't --- it was in short order that
7 MSHA was there and I don't remember
8 who the first MSHA guy was.

9 Q. All right. Did you ever go up
10 to the dispatcher's office that
11 morning?

12 A. That morning? No.

13 Q. Did you ever become aware of
14 any CO levels the morning of the
15 accident, that is in parts per
16 million?

17 A. Just when --- you said in the
18 morning. When we started monitoring
19 the return, I mean ---.

20 Q. Okay. Prior to that?

21 A. No.

22 Q. Okay. So the next thing you

1 recall was speaking to Mr. Toler and
2 Mr. Wilfong (sic) and after they
3 exited the mine; is that correct?

4 A. Yeah. Just telling me what
5 they encountered.

6 Q. Okay. And what did they
7 relate to you?

8 A. You know, smoke, debris. They
9 had tried to take the air up with
10 them as far as doing some impromptu
11 ventilation work and they hit smoke
12 and they withdrew.

13 Q. And what else?

14 A. You know, they started asking
15 me do we have mine rescue teams on
16 the way. And I said yes. And you
17 know, we had resources coming that
18 way to effect a rescue effort.

19 Q. Okay. Did you personally
20 check or were you notified of any CO
21 system readings and make any decision
22 based on those readings?

1 A. At which time?

2 Q. Let's start with the morning
3 or the accident.

4 A. No.

5 Q. Were you involved in any way
6 of the monitoring of the gases at the
7 mine?

8 A. Now, we're speaking of the
9 morning of the accident?

10 Q. Yes. Yes.

11 A. I was in the command center
12 and we was --- you know, we put the
13 people in place to monitor the return
14 and started off with, you know,
15 hand-held instruments.

16 Q. Okay. And what instruments
17 were you using --- did you have the
18 people use?

19 A. Well, the instruments that
20 they have there on the site is a
21 multi-gas, it's CO/O2 and methane and
22 they're Industrial Scientific iTX

1 (sic) 310s and 311s.

2 Q. Okay. And at what time did
3 you have persons and who did you have
4 monitor the return?

5 A. Just we assigned --- I don't
6 know names because like I said, I
7 haven't worked with them individual
8 that much, because I mean, I just
9 told Crumrine, you know, we need to
10 monitor and get the information back
11 up there so we know what we got.
12 Nobody goes in the mines.

13 Q. Okay. At that time, did you
14 know --- was there a (k) order on the
15 mine?

16 A. I don't remember, because it
17 was real close. It was either just
18 before or right after.

19 Q. Okay. And when the
20 individuals, whoever they were, went
21 to monitor or check the return for CO
22 and the methane and oxygen, what did

1 you --- what were the results?

2 A. Well, the CO was --- we did
3 have CO levels, but I don't remember
4 the specific levels. I know at no
5 time during the rescue did it go over
6 2,300 parts per million. So
7 initially, you know, it was anywhere
8 from --- you know, from ---.

9 Q. Did you happen to speak with
10 any of the individuals that conducted
11 any of those readings?

12 A. Carl Crumrine had took some of
13 the tests with his instrument, but I
14 --- that was either, like, for a
15 backup or something.

16 Q. And what was his readings?

17 A. I don't remember specifically,
18 but it was --- it was above 50 parts
19 per million because it was alarming.

20 Q. Okay. And after you spoke
21 with Mr. Toler and Mr. Schoonover,
22 and at that point here, then you ---

1 did you set up the command center
2 then?

3 A. Yeah.

4 Q. Or who set the command center
5 up? Did you start that ---

6 A. Yes.

7 Q. --- setting up of that command
8 center?

9 A. Yes, setting up the command
10 center, assigning positions, posting
11 the guards. Just basically, you
12 know, implemented our mine emergency
13 plan.

14 Q. And what positions did you
15 assign?

16 A. You know, monitoring the mine
17 entrances, placing guards, you know,
18 at the gate. Make sure that we got,
19 you know, the communications there in
20 the superintendent's office, brought
21 us some extra chairs, put a place for
22 engineering to set up.

1 Q. Okay. And I believe you said
2 already that the mine rescue teams
3 had been notified?

4 A. Yes, sir.

5 Q. And did you say Mr. Stemple
6 did that?

7 A. Yes, sir.

8 Q. And did he tell you what team
9 that he notified?

10 A. Barbour County was the first.

11 Q. Okay. And what was the second
12 team notified and who did that? Just
13 tell me about the events, the rescue
14 teams' notification and just lead me
15 through that if you would, please.

16 A. Barbour County, you know, it's
17 part of 49 Station so that's two
18 teams. And you know, we contacted
19 every team that, you know, we could
20 get ahold of. But as far as who and
21 what and when, you know, all total,
22 we had over 20-some teams there.

1 Q. Did you notify the police?

2 A. I didn't.

3 Q. You didn't?

4 A. No.

5 Q. Did anybody?

6 A. I don't know.

7 Q. Well, if you don't know, you
8 don't know how they were notified or
9 anything. Were they there?

10 A. Yes, but I can't tell you
11 when.

12 Q. Okay. Did you notify the
13 emergency medical service?

14 A. I didn't, but they were there.

15 Q. It was done. And who did
16 that?

17 A. I don't know.

18 Q. Okay. After you set up the
19 command center and --- wait a minute,
20 let me back up a second. When you
21 arrived at the mine, were the
22 telephones inoperative at that point

1 or do you know anything about the
2 telephones, the pager phones?

3 A. You're talking about the mine
4 phone, sir?

5 Q. Excuse me, I did say mine
6 phone --- pager phone. The
7 telephones, the Bell phones, were
8 they ever inoperative at any point
9 that you can recall?

10 A. You're speaking of the mine
11 phones?

12 Q. Yes.

13 A. The commercial phones?

14 Q. The commercial phones, yes.

15 A. Okay. I know of no time that
16 they were inoperative.

17 Q. Okay.

18 A. Now, there was --- I had
19 trouble sometimes getting in because
20 there was, you know, congested, but
21 not inoperative.

22 Q. Okay. And was the power to

1 the outside off before or after the
2 event even if only for a brief time,
3 the power outside, on the surface?

4 Yeah.

5 A. The power underground was ---
6 it knocked.

7 Q. Okay.

8 A. Because that was one of the
9 reasons why they initiated --- the
10 outside man said power had knocked
11 and he couldn't get ahold of the
12 crews.

13 Q. How about the surface power,
14 on the surface, was it ever off at
15 any point?

16 A. Not that I'm aware of, sir.

17 Q. Okay.

18 A. Of the 52 hours that I was at
19 the command center, the lights never
20 went off.

21 Q. Okay. And you did not notify
22 any mine rescue teams. Other person

1 that work for you did that?

2 A. Yes, sir.

3 Q. Okay. And did you happen to
4 have any involvement in drilling the
5 boreholes into the mine?

6 A. I don't understand what you
7 mean by involvement. I talked to the
8 engineer, and as far as from a rescue
9 point, as far as, you know, where
10 would the best place be, where they'd
11 most likely be, I had discussion and
12 input pursuant to that.

13 Q. Okay. And so you're talking
14 about the selection of the location
15 of the hole, that's what you had ---?

16 A. On the mine map.

17 Q. Yes.

18 A. Yes, sir.

19 Q. Okay. Tell me a little bit
20 about that. What were the reasonings
21 behind the selection of the position
22 and you know, just kind of take me

1 through that, how you and others
2 decided that that would be the place
3 to put the hole.

4 A. Well, one we wanted to, you
5 know, get to the area that we thought
6 where they were at in hopes of maybe
7 of communicating or supplying air and
8 we put a camera down to look for ---
9 you know, we took constituent levels
10 and we put a camera down to check for
11 blast damage. And I didn't get to
12 look at the camera footage, but the
13 person, you know, called me on the
14 phone and said, you know, that the
15 cable were hung in a workman-like
16 fashion and you could see the rock
17 dust and the buggy on the feeder.

18 Q. Okay. And I guess what I'm
19 really asking is how was the
20 selection of that hole determined? I
21 mean, was that location selected?

22 A. That's where they was

1 assigned, their work location, and we
2 wanted to know why weren't they
3 coming out. Was there --- did we
4 have a fire? Did we --- you know,
5 what kind of CO levels would we get,
6 what kind of constituent levels would
7 we get.

8 Q. Okay. And the drilling
9 company, who was involved in the
10 selection of the drilling company?

11 A. Our chief engineer handled
12 that. Well, the engineering
13 department had input on it. I don't
14 know, sir.

15 Q. Did you have any input in that
16 selection of the drilling company?

17 A. No, sir, I would have let you
18 drill the hole if you'd been there.

19 Q. Okay. And do you know --- do
20 you happen to know why --- or how and
21 why the selection of that particular
22 drill company was made?

1 A. No, sir.

2 Q. Okay. Were there other drill
3 companies that contacted you, and I
4 say you meaning, you know, the
5 company, with offering their
6 services?

7 A. Sir, there was --- I don't
8 remember a specific company, but I
9 know that I had people come to me and
10 says, well, this one --- you know,
11 there was like one or two had called
12 and you know, engineering was
13 handling that because of the size of
14 the drill, you know, where it was
15 located and such that was taken into
16 consideration.

17 Q. And do you recall whether or
18 not there were any logistical
19 problems encountered prior to
20 starting the drilling?

21 A. You know, not specifically.
22 You know, I had asked for, you know,

1 mobe times, when they was going to
2 mobilize and were out and stuff like
3 that. But as far as logistical
4 problems, I'm not aware of any.

5 Q. Okay. Did they have any
6 problem with like the road or getting
7 the road through or anything like
8 that, do you recall?

9 A. I don't --- I won't refer to
10 it as a problem. We had to do the
11 engineering to find where point A is
12 on the map versus point A on the
13 surface.

14 Q. Okay. And can you --- what
15 about the times and the dates that
16 those decisions were made, do you
17 recall any of those times and times
18 they started or anything like that at
19 all?

20 A. No, sir. And again, I'm not
21 trying to be evasive, but that ---
22 you know, that was 52 hours of trying

1 to get, you know, 13 people out. But
2 I'm sure that with everybody that was
3 there, it wouldn't be hard to get a
4 timeline.

5 Q. Were you involved at all in
6 any of the surveying of the borehole?

7 A. No, sir.

8 Q. Who was it that did that? Do
9 you recall?

10 A. That was --- that was handled
11 by Joe Andrews. He had told me who
12 the company was but I don't remember,
13 sir.

14 Q. The surveying was done by a
15 contractor?

16 A. Yes, sir.

17 Q. Okay.

18 A. All of our surveying is done
19 by outside contractors. Usually
20 either Alpha Engineering or Kenny
21 Moran. It's Moran Engineering,
22 something like that. Those are the

1 two that we usually use.

2 Q. Were you involved in
3 contacting those people at all?

4 A. No, sir, I was not.

5 Q. And who would have done that?

6 A. Joe Andrews, our chief
7 engineer.

8 Q. He's chief engineer for ICG?

9 A. He's the chief engineer for
10 the Buckhannon Division.

11 Q. Of ICG?

12 A. Yes, sir.

13 Q. Okay. And that division that
14 you're speaking about is the same one
15 we spoke about earlier?

16 A. Yes, sir. But to clarify, we
17 do provide services for two other
18 divisions on an as-needed basis.

19 Stony River, which is a deep mines
20 that's under the Vindex division.

21 And Vindex surface and Patriot
22 surface, I provide safety oversight

1 for.

2 Q. And did you know anything
3 about any kind of a problem that was
4 --- that had developed in locating a
5 hole concerning the GPS unit?

6 A. Not first hand.

7 Q. Okay. What about second hand?

8 A. Okay. I believe after --- I
9 believe there was an issue that Joe
10 had spoke of briefly that there was a
11 problem with a certain instrument
12 that one company or provider had
13 versus that of another, as far as
14 getting the survey tight enough.

15 Q. Okay. More or less the exact
16 location?

17 A. Yes.

18 Q. Okay. And you say Joe. That
19 would be Joe who?

20 A. Joe Myers, he chief engineer.

21 Q. And that's all you know about
22 that?

1 A. Yes, sir.

2 Q. And who made the final
3 decision to drill the borehole in Two
4 Left? Who would have made that
5 decision?

6 A. That was a --- we had input
7 from state and federal, but you know,
8 it was more or less mine and Joe
9 Myers' decision on where to --- and
10 we also had to take into
11 consideration some topography, ---

12 Q. Sure.

13 A. --- because out there where we
14 ended up putting it, it was more or
15 less on the end of a ridge or a
16 knoll. I mean, one side of the face
17 was just very abrupt and steep and
18 away from that, it was pasture land
19 but it was --- it sloped down
20 abruptly. So that caused some
21 problems.

22 Q. Okay. So those would be some

1 of the logistic problems that you
2 kind of ran into whenever ---

3 A. Yes, sir.

4 Q. --- which I had asked you
5 about earlier? Okay.

6 A. I had interpreted your
7 question as far as logistical
8 problems as far as it getting from
9 point A to point B. I didn't take
10 into consideration the topography.

11 Q. Okay. That's fine. So then
12 you and Mr. Myers, with the help of
13 the others in there, made the final
14 decision ---

15 A. Yes, sir.

16 Q. --- to put the hole where it
17 as located? Okay. And do you recall
18 when the survey for the hole was
19 completed?

20 A. No, sir, I do not.

21 Q. Do you recall when the road
22 toward the Two Left borehole was

1 started?

2 A. No, but it was shortly after
3 we got the survey tight.

4 Q. Okay. And when you say tight,
5 you mean the proper location?

6 A. Yes, sir.

7 Q. Okay. So you wouldn't know
8 when the or would you know when the
9 road to the borehole was completed?

10 A. No, sir, but I do know that we
11 already had the dozer there.

12 Q. Okay.

13 ATTORNEY RAJKOVICH:

14 Do you need a break or
15 anything? Do you need a break
16 or anything?

17 A. I'd like some water.

18 MR. SWENTOSKY:

19 All right. Let's take
20 a break. Off the record.

21 SHORT BREAK TAKEN

22 BY MR. SWENTOSKY:

1 Q. During the day of the
2 accident, did you take any notes or
3 any record, written record, of any
4 sort?

5 A. In the command center, kept a
6 log.

7 Q. Did you keep any personal
8 notes or anything?

9 A. No.

10 Q. No. Okay. So that would be
11 the company's command center log?

12 A. Yeah.

13 MR. MILLS:

14 You asked for that and
15 we sent the log.

16 ATTORNEY WILLIAMS:

17 We have asked you for
18 that, I think in our records
19 request; right?

20 A. Yes, sir.

21 BY MR. SWENTOSKY:

22 Q. And I did ask you about the

1 Bell phone and I guess you and I kind
2 of thought we were talking about the
3 other thing. But let me ask you this
4 now, the pager phones, at any times
5 were those inoperative during the
6 day?

7 A. The mine phone?

8 Q. Yes.

9 A. We had to change the one out
10 in the command center once.

11 Q. And do you recall when that
12 might have been?

13 A. It was during that first 42
14 hours.

15 Q. Okay. And was it a problem
16 with just your phone or was there a
17 problem with other phones? Just your
18 phone, I mean, the one in the command
19 center.

20 A. Just in the command center.
21 Dick Wilfong, he traded it out. Of
22 course, we had an extra one right

1 there. Just a matter of minutes.

2 Q. Okay. And you mentioned that
3 Raymond Coleman that you had spoken
4 to and you had just alerted him to
5 --- that there was a problem at the
6 mine?

7 A. Yes, sir, after I talked to
8 Chuck Dunbar.

9 Q. Right. And what was the
10 reason for notifying him?

11 A. That I wanted him there as a
12 resource, as I would my other
13 managers.

14 Q. Okay. And did he take --- was
15 he part of the command center
16 whenever he arrived?

17 A. No, sir, he was critical
18 support.

19 Q. What do you mean by critical
20 support?

21 A. If I needed something, he made
22 it happen.

1 Q. Because he was high enough up
2 in the company that he could make
3 those decisions, I guess, is that a
4 way of putting it?

5 A. Well, I mean, you know, he
6 knew the mines and he knew the
7 people. He knew what was on the
8 supply yard. He knew what rail
9 capabilities we had.

10 Q. Do you know when the power was
11 removed from underground?

12 A. Well, removed, sir, ---.

13 Q. De-energized?

14 A. Yeah, but it was my
15 understanding that the power was off,
16 knocked, a little after 6:30 a.m. and
17 we didn't re-energize it.

18 Q. Okay. Were you involved at
19 all with the activities at the
20 borehole at the location?

21 A. At what time, sir?

22 Q. Any time.

1 A. Yes, sir.

2 Q. What were those activities and
3 when was it?

4 A. Okay. My ---.

5 Q. And for clarification, we're
6 speaking about the Two Left borehole.

7 A. Okay. Now, I know --- I'm
8 trying to figure what number we call
9 that. I went there after the fact.

10 Q. After the fact, what do you
11 mean after the fact?

12 A. After the rescue effort.

13 Q. Okay.

14 A. Because for the --- before we
15 could go back --- well, no, I was ---
16 let me think, now. I was involved
17 with the boreholes as far as when I
18 went there physically. It was after
19 that 42, 45 hours, because I knew
20 that we couldn't get back, you know,
21 in there, until we got that two-foot
22 hole down.

1 Q. So that was after the borehole
2 was completed and they had put the
3 camera down?

4 A. Yeah, it was after the fact.

5 Q. Okay. And what was your
6 purpose there for again?

7 A. Just to get that two-foot hole
8 down, to make it happen.

9 Q. Okay. And what did you do to
10 make that happen by going to the
11 borehole site?

12 A. You know, everything that we
13 did was --- we had to modify the (k)
14 order. Everything as far as a rescue
15 and recovery effort was the
16 modification of the (k). And I would
17 have to have designed, and some
18 places I designed myself, the
19 modifications that would allow us to
20 do certain things.

21 Q. Okay. And so why did you
22 visit the borehole site then?

1 A. To see what I had. I mean, to
2 put provisions in place for safety
3 and to ensure the safety of the
4 contractors, to ensure the safety of
5 the people that's there. As far as
6 pipes, being able to, you know, vent
7 constituent levels out.

8 Q. Okay. And were you involved
9 with the decision to first send mind
10 rescue teams underground?

11 A. Yes.

12 Q. Okay. And based on everything
13 that you knew at the time, what did
14 you think happened in the mine and
15 where did the explosion come from?
16 At that time, what was your thought
17 process?

18 A. From what I was told and what
19 I could ascertain at that time, that
20 there had been some type of an
21 explosion. As far as from where and
22 from what, at that time, I didn't

1 have that information, and if I had a
2 mine fire or not.

3 Q. And was there a place that you
4 thought the explosion might have
5 occurred? I know you, of course,
6 didn't know. But in reviewing when
7 to send those teams underground, what
8 was your thought process at the time?

9 A. You know, my thought process
10 was that it probably originated from
11 the sealed area, because from what
12 they had said, the direction of the
13 blast and the debris, and I couldn't
14 think of no other place. But it was
15 --- you know, it was very --- it was
16 surprising.

17 Q. When you say what they told
18 you, who are you speaking about?

19 A. From, you know, Al and Jeff
20 and you know, the direction.

21 Q. Okay.

22 A. That's the only thing I had in

1 a straight line above that, but now,
2 I didn't know. I just said, well,
3 that's probably, you know, maybe
4 where it come from.

5 Q. Okay. Did you ever think that
6 it might have come from the existing
7 Two Left section?

8 A. Well, I just knew that ---
9 well, I didn't know. You know, logic
10 would dictate that it either come
11 from either straight ahead or from
12 Two Left, so ---. And I hadn't, you
13 know, had any problems with Two Left.
14 I hadn't had any problems with the
15 seals. I mean, they were relatively
16 new.

17 Q. Yeah.

18 A. So this was a surprise.

19 Q. At that time then, you did
20 think that it possibly came from inby
21 the seals?

22 A. Yes.

1 Q. And that's the information
2 that you used to start the rescue
3 efforts, send the teams underground?

4 A. Yes.

5 Q. Okay. Were you in charge of
6 the mine rescue efforts for ICG?

7 A. I was the representative
8 within the command center.

9 Q. Okay. You're the person that
10 represented ICG in the command
11 center?

12 A. Yes, sir.

13 Q. Okay.

14 A. Because within the --- within
15 the command structure, ---

16 Q. Yes.

17 A. --- we had that divvied up
18 into certain areas. Joe Myers was
19 the engineering, engineering support.
20 Raymond Coleman, critical support
21 surface. Tim Martin, mine rescue
22 team coordination and surface

1 support. And I always kept two
2 people --- I always kept one of the
3 two there for critical information
4 was Carl Crumrine or Jeff Toler or Al
5 Schoonover.

6 Q. And who is Tim Martin?

7 A. He's the corporate safety
8 director for ICG.

9 Q. Okay. And you worked under
10 him?

11 A. No, sir. He's lateral.

12 Q. Okay.

13 A. My immediate supervisor is
14 Chuck Dunbar.

15 Q. I know you had mentioned that,
16 but then with the corporate safety, I
17 thought you might have had something
18 in there. Okay. So you were in
19 charge of the mine rescue efforts.
20 Okay.

21 A. Yes, sir.

22 Q. And ---.

1 A. Now, within our incident
2 command structure and with the way
3 the (k) order was, the --- you know,
4 MSHA had a representative and the
5 state had a representative. And we
6 would --- we would look at
7 information that come in and come up
8 with the best scenario and the
9 shortest time and we would write a
10 plan to modify the (k), and we would
11 execute it.

12 Q. Okay. And were you involved
13 in the decision to systematically
14 explore the mine starting from the
15 portal?

16 A. We started --- we originally
17 looked at that, but it was not
18 needed. In fact, we clarified that
19 just after a very short amount of
20 time.

21 Q. Okay. That was the original
22 thought process though ---

1 A. Yes.

2 Q. --- to systematically ---?

3 A. Because the thoughts were
4 that, you know, we needed to get up
5 to 52 block and start from there
6 because that's where we encountered
7 the debris and the smoke and such.

8 Q. When you say that's where we
9 did, you're speaking of Mr. Toler ---

10 A. Yes, sir.

11 Q. --- in that initial
12 exploration of the mine?

13 A. Yes, sir, that was first-hand
14 information.

15 Q. Okay. And so when was that
16 --- when was that decision --- that
17 was the initial thought process; is
18 that correct, to start at the portal?

19 A. Yes.

20 Q. Okay. And the reason for not
21 doing that was ---?

22 A. Constituent levels.

1 Q. Constituent levels?

2 A. Yeah.

3 Q. And explain that to me a
4 little bit.

5 A. Okay. Do you use a mine
6 rescue team and mine rescue efforts
7 when you've got less than 19.5
8 percent oxygen or one percent methane
9 and greater than 50 parts per million
10 CO, that's what we have --- well,
11 that's what I have used in training
12 mine rescue teams and being on a mine
13 rescue team as a member.

14 Q. Okay. And what were those CO
15 levels and oxygen/methane at time
16 whenever we were --- you were first
17 talking about sending the mine rescue
18 teams in, do you recall?

19 A. Not verbatim, sir. We had
20 running log in the command center.

21 Q. Okay.

22 A. As those came in and we would

1 review that information as a group
2 within the incident command
3 structure, and proceed from that.

4 Q. And were you involved in the
5 decision to have the teams establish
6 power to parts of the mine and to
7 pump the water before they could
8 continue exploration?

9 A. Yes, I had input into that.

10 Q. And why was that decision made
11 to do that?

12 A. Would you state your question
13 again, please?

14 Q. Okay. Sure, no problem. Were
15 you involved in the decision to have
16 the teams to establish power to parts
17 of the mine and to pump the water
18 before they could continue
19 exploration? I think there was power
20 --- or water that needed to be pumped
21 and you needed to establish power to
22 those points so you could do that;

1 wasn't that correct?

2 A. See, we always had power to
3 the --- that pump at the seals, and
4 we didn't put any other power in
5 place until during the recovery
6 effort.

7 Q. Okay. But the power was taken
8 off the mine; right, initially, the
9 morning of the accident?

10 A. Yeah.

11 Q. The power was de-energized
12 from the underground portion of the
13 mine; right?

14 A. It was --- for some reason, it
15 was knocked.

16 Q. Yes.

17 A. Okay. Had been out. As far
18 as someone going and de-energizing
19 it, I --- you know, like I say, it
20 was knocked and we didn't put it back
21 in.

22 Q. Okay. So then --- but there

1 became a point that you had to
2 establish power to do some pumping of
3 water underground, re-establish
4 power; am I correct?

5 A. Yes.

6 Q. Okay. And why was that
7 decision made?

8 A. There were so many different
9 plans that we wrote and signed off on
10 that I would --- I'd like to refer to
11 those plans before. I just don't
12 remember right off.

13 Q. You don't recall why the
14 decision was made to take the power
15 and start the pumping?

16 A. I mean, you've got to have
17 power to make the pump pump and the
18 pump's got to move the water, so ---.

19 Q. Okay. Do you know whether One
20 Right and Two Right were explored as
21 the team progressed into the mine?

22 A. No, didn't have nothing over

1 there.

2 Q. Okay. And I'm just asking.
3 They did not explore that; correct?

4 A. Yeah.

5 Q. And why was that decision
6 made?

7 A. There's nothing over there.

8 Q. When you say there's nothing
9 over there, what do you mean by that?

10 A. No --- you know, there's no
11 ignition source.

12 Q. Okay. Do you know whether the
13 One Left area was explored as the
14 teams progressed into the mine?

15 A. We went up there --- we went
16 up there, I believe it was probably
17 five or six breaks.

18 Q. Okay. And that's the furthest
19 advancement of the teams?

20 A. I mean, after we seen that
21 there was, you know, no damage,
22 constituent levels okay and we come

1 out and just went ahead and pushed
2 forward.

3 Q. And that's what the decision
4 as based on, what you described?

5 A. From the command center, yeah.

6 Q. And do you know whether the
7 old Two Left and seal location was
8 explored as the teams progressed into
9 the mine?

10 A. No. The difficulty that I'm
11 having is because I also overseen the
12 recovery, okay?

13 Q. Sure.

14 A. And these two events are
15 overlapping.

16 Q. I understand.

17 A. I mean, it would help me to
18 look at the plans that we had in
19 place because I'm --- they're
20 overlapping on me. I'm sorry.

21 Q. Okay. But right here until
22 that time, you don't know why that

1 decision was made? Okay.

2 A. No. I mean, you know, you
3 don't want to take a mine rescue team
4 past something that could be a
5 potential ignition source.

6 Q. I understand.

7 A. And once you rule out the
8 ignition source or the potential then
9 you go past it.

10 Q. Okay. After the empty mantrip
11 was found in the Two Left area, were
12 you involved in the decision to
13 explore the faces of Two Left, even
14 though the communication would be
15 extended?

16 A. Yes, sir. And I had input in
17 that decision?

18 Q. And why was that decision
19 made?

20 A. Well, we was in hopes that
21 they would be somewhere close around
22 that conveyance.

1 Q. Okay. And were you in the
2 command center when the
3 miscommunication came out that all
4 the miners were alive? And can you
5 describe the events to the best of
6 your recollection until the time it
7 was learned that there was only one
8 survivor?

9 A. Unfortunately, yes. I was in
10 the command center. I wasn't manning
11 the phone. And in fact, I was --- I
12 was just basically listening to the
13 mine phone and it came over the phone
14 we have --- we found 12 alive. And
15 this was late in the hour. And I
16 thought, you know, maybe I didn't
17 hear right. And the room got loud
18 and I couldn't remember who was next
19 to me, and I said, what did he say.
20 Did you hear what I said? He said,
21 yeah, 12 alive. And then after he
22 said that, the room quieted down

1 somewhat. It was said two more
2 times. And ---.

3 Q. That was said over the mine
4 phone?

5 A. Over the speaker of the mine
6 phone.

7 Q. Yes. Okay.

8 A. I mean, every --- not just I,
9 sir, but others in the command center
10 heard it.

11 Q. Sure.

12 A. And I've only --- at that
13 time, I had only been drunk once in
14 my life, but it was absolutely
15 euphoric, the feeling there, because,
16 you know, I had done the math a
17 couple times before and I didn't
18 expect to hear that, as far as, you
19 know, one cubic air --- one cubic
20 yard per hour per man at rest. And I
21 have to say even with the birth of my
22 children, that was the happiest, most

1 --- best news I had ever heard in my
2 life.

3 But unfortunately, I said, you
4 know, we got to confirm, you know,
5 let's clarify it. And the room
6 erupted, but we were still doing
7 business. And I had never seen so
8 many old hairy guys cry in my life.

9 But I was outside stretching
10 my legs. I had sat in my chair so
11 long that I was having trouble with
12 my feet. And I don't know, it was
13 sometime there after then, they
14 called me back in, and they had used
15 the code word, because we had told
16 them not to say bodies over the
17 phone.

18 Q. Yes, I understand.

19 A. To use the word, you know,
20 items. And that --- you know, that
21 confused us. And that's when, I
22 don't know who it was, said they had

1 --- it was 12 dead and one alive,
2 with his head that way. And that,
3 that was the worst moment personally
4 and professionally in my life.

5 Q. I understand that. And do you
6 know approximately the length of time
7 between the first, they're alive and
8 when you got the final?

9 A. Sir, this is --- I'm going to
10 do the best that I can.

11 Q. Sure. I understand.

12 A. And I'm thinking 45 minutes,
13 an hour ten. But there was some
14 time, but to tell you specifically I
15 mean, because that was a real late in
16 the hour.

17 Q. I understand. Thank you.
18 What do you think happened on January
19 the 2nd, 2006?

20 ATTORNEY RAJKOVICH:

21 Let me object to any
22 kind of opinion he might have,

1 as far as the investigation is
2 still ongoing.

3 ATTORNEY WILLIAMS:

4 Let me just say ---.

5 ATTORNEY RAJKOVICH:

6 He can speak to facts,
7 but I mean, he's not going to
8 give an opinion as to what he
9 thinks it is.

10 ATTORNEY WILLIAMS:

11 Okay. Let me just say
12 you're here voluntarily ---

13 ATTORNEY RAJKOVICH:

14 Right.

15 ATTORNEY WILLIAMS:

16 --- and if you're
17 comfortable answering the
18 question, that's fine. But
19 I'm not sure what the basis
20 for an objection would be, but
21 you know, this is not a court.

22 ATTORNEY RAJKOVICH:

1 I understand.

2 ATTORNEY WILLIAMS:

3 We're just asking for
4 opinions as well as facts.
5 And if you have an opinion,
6 we'd love to hear it. That
7 doesn't mean we're going to
8 hold you to it in any kind of
9 way. We're asking for
10 everybody's opinion whether
11 it's based on facts or not.

12 A. Yes, sir, but my reservation,
13 and I would like to answer and give
14 you my opinion from the experience
15 that I have, but I don't think that I
16 would be prudent because, I mean,
17 this is a legal proceeding. So I
18 would respectfully decline to answer
19 that at this time.

20 BY MR. SWENTOSKY:

21 Q. And I'll ask you these few
22 questions here. And if you don't

1 feel comfortable ---

2 A. Yes, sir.

3 Q. --- answering them, just say
4 so.

5 A. Yes.

6 Q. Do you think methane was
7 involved?

8 A. Yes, sir, I do.

9 Q. What about coal dust?

10 A. I would ---.

11 ATTORNEY RAJKOVICH:

12 Can we step out and
13 talk a minute?

14 A. Yeah.

15 ATTORNEY WILLIAMS:

16 Okay. We'll go off the
17 record.

18 WITNESS AND COUNSEL CONFER

19 OFF RECORD DISCUSSION

20 BY MR. SWENTOSKY:

21 Q. Okay. We were talking about
22 methane and you felt that methane did

1 have a --- and I said coal dust and
2 then we took a break I think.

3 A. Yeah.

4 Q. Okay. Do you feel coal dust
5 was involved?

6 A. I don't know at this time.

7 Q. Okay.

8 A. We'll just have to wait and
9 see what the investigation will have
10 to say.

11 Q. Do you have any idea what the
12 ignition source might have been?

13 A. Nothing definitive.

14 Q. And do you have any type of an
15 opinion on why the seals might have
16 failed?

17 A. I wasn't aware that the seals
18 failed. I was aware that they was
19 destroyed as a result of a blast.

20 Q. Okay. Thank you. And do you
21 have any idea why? Why they were
22 destroyed?

1 A. No.

2 MR. SWENTOSKY:

3 John, do you have
4 anything up to this point?

5 MR. MILLS:

6 Yes, we're both going
7 to do a couple. He was out of
8 the room a little bit.

9 MR. SWENTOSKY:

10 All right.

11 BY MR. MILLS:

12 Q. Mr. Coleman, were you
13 scheduled to work the day of the
14 explosion?

15 A. No, sir.

16 Q. But you did work the day of
17 the explosion?

18 A. Yes, sir.

19 Q. You mentioned when you get to
20 the mines, you spoke with some of the
21 guys about a puff or wind or ---?

22 A. Yes, sir, they said that they

1 felt pressures.

2 Q. Okay. Was the One Left crew
3 or was that the Wilfong bunch, do you
4 remember, the Wilfong, Toler,
5 Schoonover guys?

6 A. Well, they had made statements
7 to that effect from speaking to the
8 crew that had come off.

9 Q. So that information was
10 relayed to you from the ---

11 A. Through them, yes.

12 Q. --- One Left crew. Okay. I'm
13 going to bounce around here a little
14 bit. The Jeff Toler/Wilfong group,
15 when they got outside, you mentioned
16 that they sort of debriefed you on
17 what they had?

18 A. Yes, sir.

19 Q. Did they mention to you any
20 ventilation repairs that they had
21 made, specific ventilation repairs?

22 A. Not specifically. They said

1 that they had took some curtain with
2 them to --- you know, in case they
3 needed it.

4 Q. And that they did make some
5 repairs to ventilation controls, do
6 you remember them telling you that?

7 A. Let's see. Yes, they said
8 that they had put up some checks.

9 Q. Okay. Johnny Stemple notified
10 the mine rescue teams?

11 A. Yes, sir, that's my
12 understanding.

13 Q. Do you know what time of the
14 day or roughly?

15 A. No, sir. You know, I left my
16 home at around 7:30 and I called him
17 directly after, so it was after 7:30
18 in the a.m.

19 Q. Do you know which teams he
20 notified?

21 A. He said Barbour County.

22 Q. So when we're talking Barbour

1 County mine rescue, we're talking
2 more than one team?

3 A. Yes, sir, that's a Part 49
4 Compliance Station. It's two teams.

5 Q. Okay. And that's --- do you
6 know, are those the only teams that
7 Mr. Stemple notified?

8 A. Those are the ones that comes
9 to mind, because I mean, there we had
10 around 20-some teams to work that
11 rescue, and less for the recovery.

12 Q. I believe you mentioned that
13 somewhere along the early morning,
14 the Barbour County teams arrived. Do
15 you know how many members were there
16 combined?

17 A. No, sir, not right off. I
18 would --- because --- I don't
19 remember right off.

20 Q. So you don't know how many
21 team members were available when you
22 got there?

1 A. They arrived after I got
2 there.

3 Q. Do you know what time the next
4 mine rescue team arrived, not the
5 Barbour County teams, the next
6 outside mine rescue team, I'll use
7 that.

8 A. No.

9 Q. Okay. You mentioned that you
10 represented the Sago Mines in the
11 command center?

12 A. Yes, sir.

13 Q. Were there other persons
14 assigned to represent Sago on your
15 behalf when you took a break or
16 whatever?

17 A. Yes, sir. There was a ---
18 well, I had people there that would
19 man the phone so I could get off and
20 have a little bit of a break, but I
21 was there for the duration of the
22 entire rescue.

1 Q. Okay. And do you remember the
2 names of the people that represented
3 Sago in that command center besides
4 yourself?

5 A. May I ask for a clarification?
6 I had people there in the command
7 center to assist with various things,
8 communication, even taking the log,
9 even assisting to type the plans as I
10 dictated them.

11 Q. Okay. Who took your role in
12 there in your absence? Could you
13 give me those names?

14 A. I didn't relinquish command
15 responsibility at no time.

16 Q. When you were out of the
17 command center for any reason, who
18 filled your role?

19 A. No one.

20 Q. Okay. Can you give me some of
21 the names of the other people that
22 assisted you?

1 A. Yes, sir.

2 Q. Go ahead.

3 A. We had Dick Curry, Greg
4 Nestor. Randall Bird was at the
5 church. Johnny Stemple. That's it
6 as far as I can remember.

7 Q. And their roles were what?
8 Explain that to me again.

9 A. Communications liaison,
10 maintain the log. But I mean, as far
11 as mine plan decision making, as far
12 as that, that come from --- come from
13 me.

14 Q. I think I just have one more,
15 then I'll ---. You mentioned --- No,
16 I've got a couple more. You're
17 familiar with the Sago Mines;
18 correct, somewhat familiar? What is
19 your understanding of why it is
20 critical to run the pumps at Two Head
21 One Tail, the area of the seals?

22 A. As it was conveyed to me by

1 Carl Crumrine, it is because of it
2 readily floods, if not.

3 Q. And what would it flood,
4 intakes, returns, track, belt, old
5 areas of the mine?

6 A. As I was briefed, it would be
7 the return and it would go --- it
8 would migrate over.

9 Q. Okay. One last question. You
10 mentioned representative groups in
11 the command center. You said the
12 state, MSHA and Sago. Were there any
13 other representative groups in the
14 command center making decisions or
15 helping with the decisions?

16 A. Making decisions? No.

17 Q. Or input into the decisions?

18 A. Not that I readily aware of.

19 MR. MILLS:

20 Okay. John, I covered
21 while you were out.

22 MR. COLLINS:

1 Yeah, I apologize for
2 leaving during the interview
3 and interrupting things. My
4 ear started bleeding so I had
5 to leave.

6 MR. SWENTOSKY:

7 Oh, I'm sorry.

8 BY MR. COLLINS:

9 Q. I just wanted to clarify a
10 couple things. As I'm sure you
11 remember, I was also in the command
12 center ---

13 A. Yeah.

14 Q. --- during this time.

15 A. Most welcome.

16 Q. And you know, these are really
17 the first questions about the command
18 center, so you know, just sort of a
19 clarification, but we talked about
20 problems with the phone and the
21 problem that I remember with the
22 phone in the command center was only

1 the fact that it would not page
2 constantly. Is that the problem
3 you're speaking of? Because I think
4 earlier ---?

5 A. Oh, the --- no, we had trouble
6 with the handset and we traded it
7 out.

8 Q. Because the phone would just
9 page constantly when someone tried to
10 talk to us. I guess what I'm trying
11 to say, Ty, when Dennis asked you the
12 question, you know, I sort of the got
13 the feeling that he was --- and I'm
14 putting words in someone --- but I
15 thought Dennis was asking if we had
16 trouble with the mine communication
17 and ---.

18 A. Oh, mine's communications, no.
19 We had --- we changed the phone out
20 one time in the command center.

21 Q. And he can certainly clarify
22 this, but did we ever lose contact

1 with a mine rescue team ---

2 A. No. At no time. Even when we
3 changed the phone out, John, we still
4 had communications with the phone
5 that was in the mine foreman's office
6 where your people were stationed.

7 Q. Then also you said something
8 about the highest CO reading that day
9 was 2,300 parts per million?

10 A. No. I didn't say for that
11 day, through --- that I remember from
12 the rescue effort was 2,300 parts per
13 million.

14 Q. But we do have all this on a
15 record, on a log?

16 A. Yeah.

17 Q. All right.

18 A. We've got what was posted out
19 there, which was turned over to
20 engineering who did the logging and
21 gave us the trending analysis. We
22 got trending analysis every hour.

1 Q. That was later in the day when
2 ---?

3 A. Yeah.

4 Q. Approximately what time did we
5 set this command center up?

6 A. I don't know. It was set up
7 before noon is my --- that's my
8 thinking. I may be --- I may be
9 wrong, but I thought we had it set up
10 before noon.

11 Q. And then if I might revisit
12 just a little bit about the way that
13 the mine rescue teams were exploring
14 the mine.

15 A. Uh-huh (yes).

16 Q. Do you remember how they
17 entered the mine first?

18 A. Yeah, there at the pit mouth.

19 Q. What entry?

20 A. Just the --- Three.

21 Q. Through the fan?

22 A. Yeah, when they --- we made

1 all entries.

2 Q. Well, yes, I agree they
3 examined all entries. Then they
4 entered through the fan and traveled
5 inby to the Number Three Belt head
6 and came out onto the track. Do you
7 remember that?

8 A. Yes.

9 Q. Okay. And then is it true we
10 continued to explore up the track?

11 A. Yes.

12 Q. So then the questions came up
13 about this water that was at Number
14 Two Belt head in the return there.
15 Do you remember sending that team
16 back down to explore that? And only
17 if you can remember, Ty, because I do
18 remember, you know.

19 A. I mean, I had ---.

20 Q. Well, that got a little
21 confusing on the record here as to
22 how that occurred, you know.

1 A. Well, I'm not --- like I said,
2 you know, I worked the rescue, then I
3 designed and overseen the recovery
4 and some of this stuff, you know,
5 overlaps and I apologize for that
6 confusion. It's not intentional.
7 But I do remember that we wanted to
8 check that return to make sure that
9 we didn't lose it, because we was
10 --- we was afraid of the water during
11 this --- during the initial rescue,
12 so we wouldn't lose that return.

13 Q. And then like when we got to
14 the One Right, Two Right, that was a
15 joint decision not to go in there?

16 A. Nothing over there.

17 Q. Then when we get --- when we
18 got to One Left, we did --- the mine
19 rescue teams did explore or did
20 examine the entrances to that area,
21 One Left? I believe you said that we
22 did that.

1 A. Yeah, it was either --- we
2 pushed three or four breaks, did the
3 intake and return constituent level
4 on it. It was --- you know, we got
5 good numbers and we come back and,
6 you know, we pushed.

7 Q. And the reason we pushed or
8 the reason that we pushed it?

9 A. Well, fresh air push was to,
10 you know, get to the people.

11 Q. Okay. Getting --- and I think
12 that's been clarified some. I guess
13 I just got a little turned around on
14 that, you know, maybe I knew more
15 about the situation than I should
16 have.

17 But the seal plan that was
18 submitted for these seals, Ty, did
19 you have anything to do with that?

20 A. I looked at it prior to having
21 Johnny Stemple submit it and I had
22 --- and Jeff Toler had approached ---

1 had approached me, and I don't know
2 if he had called me or Johnny had
3 told me that he was wanting to use
4 Omega blocks, Omega seals. And I had
5 used them before and hadn't had a
6 problem.

7 Q. You have used them at other
8 companies?

9 A. Yes, sir.

10 Q. In what areas of the state?

11 A. Southern West Virginia.

12 Q. Do you know if the same plan
13 was submitted up here that was used
14 and I assume approved down there?

15 A. John, it --- you know, to me
16 it looked verbatim. I mean, there
17 was nothing --- there was nothing
18 peculiar or spectacular about that
19 plan. It was pretty cut and dry.

20 Q. Then about Tim Martin, is he
21 --- I think you stated that both of
22 you hold the same job title.

1 A. No, not the same job title. He
2 is corporate safety director for the
3 entire ICG and I'm manager of safety
4 for West Virginia and Maryland.

5 Q. And where does he normally
6 work? Where is he based out of?

7 A. Ashland.

8 Q. Was he in West Virginia on
9 January the 2nd or did he --- I mean,
10 after the explosion?

11 A. I don't remember where he was.

12 Q. Okay. Because I know it seems
13 as though he got there pretty fast.

14 A. I mean, he was close, but I
15 don't know where he was.

16 Q. And I'd like for you to
17 clarify what you said he was in
18 charge of.

19 A. Okay. When we set up the
20 command center, we basically used the
21 incident command structure to --- so
22 that all the command center would do

1 is to review pertinent information
2 that it needed to make the decisions
3 to go forth and plan the rescue and
4 oversee the rescue attempt. Tim and
5 Dave --- and Dave Shemp (phonetic)
6 were --- they coordinated the mine
7 rescue teams as far as who we had, we
8 called it on deck and who was ready
9 to go, and they would give us a
10 lineup as far as what resources we
11 had in the command center and we
12 would draw from those resources. And
13 also he took your logistics as far as
14 food, water, housing, along with
15 anything that they may need.

16 MR. COLLINS:

17 I think that's all we
18 have right now. Thank you,
19 Mr. Coleman. Dennis?

20 BY MR. SWENTOSKY:

21 Q. Mr. Collins mentioned to you a
22 little bit about --- or spoke to you

1 a little bit about the Omega seals
2 and that Mr. Toler had contacted ---
3 or discussed whether they could use
4 those seals or not or something to
5 that effect.

6 A. He had requested to use those.

7 Q. Okay. And did he say why he
8 wanted to use those particular seals?

9 A. He was familiar with them and
10 had used them previously.

11 Q. So that was the only decision
12 that you're aware of, was the reason
13 why he wanted to use them, just
14 because he used them before and they
15 were installed successfully?

16 A. Yes, sir. And I had used them
17 before as well, as well as others.

18 Q. And what --- I believe the
19 other seals in the Sago Mine are
20 Packsetter, I believe; is that
21 correct, the ones up there in the
22 First Mains?

1 A. Yes, sir, that's correct. But
2 the reason --- I don't know that
3 first hand, but Al Schoonover, the
4 safety director, I had asked him
5 about that, and he had said that they
6 were Packsetter seals.

7 Q. I was just trying to get to a
8 point of why was a decision made to
9 use Omega seals rather than
10 Packsetters or any other seals.

11 A. I mean, let me ask you, sir,
12 for a clarification. Is your
13 question, why did we use Packsetter
14 --- excuse me, Omega seals alone or
15 ---?

16 Q. Why as the decision made to
17 use Omega seals rather than any other
18 seal?

19 A. That's what the superintendent
20 wanted. I didn't have a problem with
21 it. I hadn't any bad experiences
22 with it in the past. Basically,

1 that's it.

2 Q. Okay.

3 A. I like them. I did like them.

4 Q. Fairly early on when we spoke
5 just initially or initial
6 conversations with Mr. Stemple, and I
7 apologize for asking you again,
8 because I think you did answer it.
9 But your first initial discussion
10 with Mr. Stemple on a telephone, at
11 that point, had he already contacted
12 the mine rescue teams?

13 A. Yes.

14 Q. Okay. And so he just did that
15 based on information that he had
16 prior to him discussing --- speaking
17 to you?

18 A. Yes.

19 Q. Okay. And was it Mr. Stemple
20 who, if you know, that contacted the
21 other mine rescue teams? I know he
22 contacted the first couple mine

1 rescue teams, but who contacted the
2 others?

3 A. I don't know, sir.

4 Q. And as part of the command
5 center, was Mr. Kitts, Sam Kitts and
6 Chuck Dunbar, were they part of the
7 command center?

8 A. They were --- at times, they
9 were there, and they would ask for
10 periodic briefings, which I would
11 give them.

12 Q. Okay. How long have you been
13 the safety director for ICG?

14 A. I've been the manager of
15 safety for ICG since July 27th, 2005.

16 Q. And how many mines --- and I
17 believe a couple of these things,
18 you've already said. But how many
19 mines and what area they located that
20 you're responsible for?

21 A. Well, Sentinel is located at
22 Philippi, Sycamore's near Clarksburg,

1 Sago at Sago Road, Imperial which is
2 --- we haven't started --- we haven't
3 broke dirt on it, but that's going to
4 be right above Sago. And then the
5 two prep plants.

6 Q. Okay. And when did ICG take
7 over Sago Mine, take over at Sago
8 Mine? Do you recall?

9 A. I don't know, sir.

10 Q. And does the Sago Mine have a
11 safety director?

12 A. Yes, Al Schoonover.

13 Q. And does he have an assistant
14 or is there an assistant safety
15 director, assistant safety inspector,
16 anything like that?

17 A. No, sir.

18 Q. Okay. And how often do you
19 meet with your safety directors?

20 A. It depends, but I try --- you
21 know, I try to have a meeting at
22 least once a month. It's according

1 to what all's going on.

2 Q. But that's kind of a basic
3 type thing?

4 A. That's what I shoot for.

5 Q. Yeah. And at some point in
6 time, have you reviewed the duties of
7 the safety director and assistant
8 with each of them during your
9 meetings or ---?

10 A. I distributed that, I'm trying
11 to think, probably August or
12 September and we had talked about it
13 at one or two of the meetings, but it
14 wasn't a --- it wasn't just for that
15 purpose.

16 Q. Okay. What other purpose was
17 ---?

18 A. We did accident prevention,
19 violation review, what we've got in
20 the pipeline for conference, you
21 know, what training is scheduled up,
22 what --- I've also begun an employee

1 development program specifically for
2 the safety directors which is using
3 the national mine academy and my
4 friends down there.

5 Q. Okay. Do you have or have you
6 created a task or a job online for
7 the safety director, like a --- like
8 a web site-type thing or anything,
9 done anything like that with the
10 safety directors?

11 A. No, sir.

12 Q. Okay.

13 A. A clarification, please?

14 Q. Sure.

15 A. Now, I have referred and
16 discussed with them as a resource,
17 using web-based materials from the
18 MSHA web site.

19 Q. Okay. What safety programs
20 did Sago have in place when you
21 started over there, just in general,
22 any type programs that they might

1 have had?

2 A. They had an assortment of
3 things on paper.

4 Q. Okay.

5 A. And I had looked at some of
6 those but as far as singling, you
7 know, one out, it was --- from what I
8 could see it was pretty much, you
9 know, MSHA-driven as far as if a plan
10 needed modified, as far as like, you
11 know, the responsible person
12 training, it would be using the MSHA
13 template, and there was other items
14 that was similarly developed.

15 Q. Okay. Since they took over,
16 what other programs have you put in
17 place? And I know you just mentioned
18 one about meeting with their safety
19 director once a month and going over
20 and ---. What other items have you
21 put in place since that time?

22 A. Yes, sir. We have a --- we

1 have a mentor program. And the
2 mentor program is anyone that we hire
3 as a new miner --- if we hire Miner
4 A, we'll assign him to a mentor that
5 will basically act as a resource and
6 an aide and a guide to him for the
7 first year. And that's heavily
8 driven with the superintendent and
9 also the frontline supervisor and
10 safety director.

11 We have also the advanced
12 apprentice miner training program,
13 which is in place, but we haven't
14 initiated it yet. It is a task
15 intensive program that basically
16 teaches equipment operating skills,
17 underground equipment operating
18 skills in a surface environment.
19 Basically what that means is we draw
20 the outline of a section on a parking
21 lot and we operate shuttle cars and
22 scoops and miners out there in that

1 area. That's at the Sentinel
2 Training Center. We've got --- it
3 should --- we should have everything
4 in place for that hopefully by early
5 summer.

6 We have also have mine
7 supervisory training and this
8 training is a follow-up where a
9 person is --- he's already a
10 certified foreman, and we take him
11 --- this has worked with the National
12 Mine Academy, where it's two days'
13 training. It covers communications.
14 It covers 110 of the Mine Act. We
15 give them a federal book, a state law
16 book and we also give them the MSHA-
17 generated materials. I don't know if
18 you're familiar with the pocket
19 reference guides for mine gases,
20 winter alert, accident prevention,
21 accident investigation, firefighting.
22 I'm doing this off the top of my

1 head.

2 But they have enough materials
3 that we basically give them a
4 backpack to put this in. We talk to
5 them about note taking, role playing
6 as far as how to interact with their
7 people, how to interact with health
8 and safety regulatory officials.
9 Then we take the classroom the second
10 day, we go over to the simulated mine
11 lab and we have ---.

12 I originally wrote this
13 program when I was with Massey Energy
14 and now it is a stand-alone program
15 at the academy. And basically we
16 teach them pre-shift, on-shift
17 requirements pursuant to not only the
18 state and federal law, but pursuant
19 to the ventilation and roof control
20 plans, which I'm sure everybody's ---
21 you know, they have gotten very
22 sophisticated and they go from the

1 --- and they're shown examples and
2 they have a question-and-answer
3 session.

4 And then we take them into the
5 mine lab and they do pre-shift and
6 on-shift inspections of a driving
7 section. We also have a portion of
8 the mine set up as a bleeder entry
9 with weekly examinations. As far as
10 to --- a big emphasis especially on
11 bleeder points, where to take your
12 constituent readings at, as far as is
13 it a valid sample, is it not a valid
14 sample.

15 Q. And ---.

16 A. Oh, excuse me. May I add
17 something?

18 Q. You may add whatever you like.

19 A. I had forgot that we've --- we
20 also do, we call it crew training,
21 and --- because we bring the crews in
22 together, in an eight-hour session in

1 a classroom setting, which is not at
2 the mine site. Okay? And we go over
3 ventilation plan, roof control plan,
4 do accident and violation review,
5 along with task responsibility. Now,
6 not task training, but if you are a
7 miner operator, then we go over with
8 --- you know, your requirements of
9 law, what you have to do, your gas
10 test, where to stand, your reflective
11 material, what's in the roof control
12 plan, and those --- that's ongoing.

13 We have also initiated an in-
14 house EMT training. We just had 18
15 people to pass that. We've got a new
16 class that started in Philippi this
17 evening. And we also have in-house
18 training on initial mine foreman
19 which allows you to gain your West
20 Virginia miner certification. That's
21 in partnership with West Virginia
22 University of Mining Extension.

1 And we also do advanced
2 training with them on firefighting.
3 They --- I wish I had brought my
4 tape. You actually do live
5 firefighting with a hand-held fire
6 extinguisher. And we also use their
7 truck. It has a maze in it and a
8 smoke machine that we use and they
9 actually get to use --- to wear an
10 SCSR and go through that. And what I
11 have planned also is to take ---
12 they're going to do that at least
13 twice a year within this division and
14 we'll also do the smoke training that
15 Brian Janna (phonetic) did with the
16 state but we'll be taking it
17 underground. I want to at least do
18 that twice a year as well.

19 Q. Okay. And the information
20 that you've just gone over and the
21 plans that you have, have any of the
22 miners at the Sago Mine since you

1 have ---?

2 A. Yes, sir, they went through
3 the crew training.

4 Q. Have any of the miners at the
5 Sago Mine since you have taken over
6 on July 27th, 2005, ---

7 A. Yes, sir.

8 Q. --- have they participated in
9 any of those trainings that you've
10 just described?

11 A. Yes, sir.

12 Q. All of them?

13 A. No, sir, not all of them. We
14 got all of them --- all of them at
15 Sago went through the crew training.
16 Okay. And we had some there and the
17 EMT was voluntary, you know, and we
18 would pay them for taking it, but
19 they had to pass. And the mine
20 foreman, we made that available, but
21 that was volunteer. And the smoke
22 and SCSR training, that was on the

1 slate but I couldn't get on the
2 schedule until --- until after
3 January. I talked to --- coordinated
4 that with Jim Dean.

5 Q. And when I said since you have
6 taken over, I'm talking about since
7 the July 27th ---

8 A. Yes, sir.

9 Q. --- of 2005 until the day of
10 the accident?

11 A. Yes, sir. They've
12 participated in the EIG meetings, the
13 violation reduction programs.

14 Q. Okay.

15 A. Accident reviews, accident
16 prevention.

17 Q. Okay. And since you have been
18 with ICG, have you monitored any of
19 the training that the safety
20 directors or the assistants have
21 conducted, specifically at Sago Mine?

22 A. I haven't monitored an

1 eight-hour annual at Sago. I had at
2 Sentinel.

3 Q. And the Sago Mine, who would
4 the instructors have been?

5 A. That would have been --- that
6 would have been Al Schoonover. Well,
7 I want to correct that. I did
8 observe Al. I did monitor him during
9 the pre-training.

10 Q. And when would that have been?

11 A. I'm going to say August,
12 September, sir, but I'm not for sure.
13 I'm thinking August, September.

14 Q. Okay. And so there was one
15 occasion that you had monitored Mr.
16 Schoonover?

17 A. No. On the pre-training, sir,
18 it was probably --- probably at least
19 four different times on the pre-
20 training.

21 Q. And on the --- and the one
22 with Mr. Schoonover, was that --- and

1 you may have said this and I missed
2 it. But was that like an annual
3 retraining for ---?

4 A. No, sir. This is in addition
5 to.

6 Q. In addition to. Have you
7 monitored any annual refresher
8 training that MSHA requires during
9 your time?

10 A. Not with Mr. Schoonover.

11 Q. Okay. And during any of the
12 monitoring, did you discover any
13 problems with the instructors and
14 maybe had to correct maybe what they
15 were doing or anything like that?

16 A. No. But in our meetings and
17 I, you know, emphasized the program
18 of instruction, you know, the CFR 30,
19 along with pertinent outlines, which
20 basically is driven from the CFR 30
21 and the program of instruction.

22 Q. Have you reviewed the plans,

1 that being the training, emergency
2 evacuation, roof control for the Sago
3 Mine?

4 A. I had reviewed the roof and
5 the vent. Those were the only two
6 that I had looked at because --- and
7 the reason was because it was in the
8 plan modifications.

9 Q. What do you mean by plan
10 modifications? You looked at them
11 --- oh, because it was being ---

12 A. Yes.

13 Q. --- modified?

14 A. Yes.

15 Q. Okay. And you reviewed the
16 modifications?

17 A. No. I reviewed the plan.

18 Q. The plan, okay. And what
19 about the training plan? Did you
20 review it?

21 A. I had --- I'm going to say
22 that I looked at it. It's pretty

1 much cut and blanket standard.

2 Q. Did you --- were there any
3 modifications that were made to the
4 plan based on your review of it?

5 A. I had instructed my people to
6 update the certified instructors'
7 list, to put me on it, which would
8 allow me to teach if need be.

9 Q. Was there any modifications
10 made to the firefighting evacuation
11 plan at all?

12 A. Not --- no.

13 Q. Did you review it?

14 A. Not that one in particular,
15 no.

16 Q. And when you're saying not in
17 particular, I'm talking about Sago
18 Mine.

19 A. Yes, sir.

20 Q. And in your opinion, did the
21 training plans appear adequate after
22 those couple modifications?

1 A. Yes, sir.

2 Q. ICG, do they have job safety
3 analysis and safe work instruction
4 for the mining, different mining
5 operations?

6 A. I'm not a big proponent of job
7 --- well, let me say this. As far as
8 for ICG, I don't know, but I know
9 what I --- what I brought with me.

10 Q. Okay. Do you have those job
11 safety analysis and work --- safe
12 work instruction for the Sago Mine?

13 A. We have them for --- it's
14 pretty much a --- I mean, it's pretty
15 much a task outline for the
16 classifications as far as a miner
17 operator, roof bolter operator, scoop
18 operator and so forth.

19 Q. So you do have job safety
20 analysis and safe work instruction in
21 place?

22 A. That is part of the ongoing

1 crew training, yes. Now, not the job
2 safety analysis. I'm not a big
3 proponent of that.

4 Q. Okay. So you don't have job
5 safety analyses in place?

6 A. No.

7 Q. And safe work instruction?

8 A. Yes.

9 Q. Have you found any problems
10 with the state and MSHA qualification
11 of any of the ICG employees?

12 A. No.

13 Q. Do you know who conducts the
14 electrical recertification for 2005
15 for ICG?

16 A. It should be Larry Reed.

17 Q. Does ICG have an approved
18 electrical recertification plan?

19 A. Does ICG? I don't know. I
20 would hope that the mine would have.

21 Q. Okay. But you're not sure at
22 this time?

1 A. No.

2 Q. And Mr. Schoonover he's
3 responsible for the training at the
4 Sago Mine, or are you responsible for
5 it, or who is responsible for that
6 training at the Sago Mine?

7 A. My hesitation is due to the
8 broadness of your question.

9 Q. Okay.

10 A. Okay. Mr. Schoonover is
11 responsible for certain aspects of
12 the training at the Sago Mine.

13 Q. Okay. And what aspects are
14 those?

15 A. That'd be for experienced at
16 our annual, to see that the task
17 training has been initiated and/or
18 completed.

19 Q. Okay.

20 A. Gas testing, you know, off the
21 top of the my head that would be ---.

22 Q. And have you ever conducted

1 any training at the Sago Mine?

2 A. At the mine site, no.

3 Q. Let's put it this way, have
4 you ever conducted any training for
5 the employees at Sago Mine?

6 A. Yes, sir, the pre-training.

7 Okay.

8 Q. And where was that conducted?

9 A. At the Buckhannon Training
10 Center. It's there in Buckhannon at
11 our division office.

12 Q. And have you ever conducted
13 any training on the Sago Mine site?

14 A. No, sir.

15 Q. And the crew training that you
16 spoke about a moment ago, is that the
17 only training that you have provided
18 for the miners at Sago Mine?

19 A. No, sir.

20 Q. And what other training was
21 that?

22 A. EMT, mine foreman.

1 Q. Okay. Was that --- excuse me.
2 Was that prior to January 2nd? That's
3 what I'm speaking about.

4 A. Yes, sir.

5 Q. Go ahead.

6 A. Yes, sir, that was prior to
7 January 2nd.

8 Q. And that's the extent of the
9 training that you have provided for
10 those miners?

11 A. And the supervisory training.

12 Q. Okay. And to ensure that
13 there --- that the proper instruction
14 is being conducted, you monitor
15 those. But I know you had mentioned
16 that you had not had the opportunity
17 to monitor the one at Sago; is that
18 ---?

19 A. Yes, I monitored one at Sago
20 and participated in it.

21 Q. Okay.

22 A. I said that I hadn't gotten to

1 monitor Al Schoonover in eight-hour
2 annual.

3 Q. Okay. Thanks for that
4 clarification.

5 A. Okay. I'm sorry.

6 Q. That's all right. And how do
7 you verify that the training has been
8 conducted?

9 A. Basically the schedule and the
10 log.

11 Q. Okay. There's a log kept and
12 you review that?

13 A. Uh-huh (yes).

14 MR. SWENTOSKY:

15 Okay. Do you have any?
16 Can we take a five-minute
17 break, and then we'll finish?

18 SHORT BREAK TAKEN

19 BY MR. SWENTOSKY:

20 Q. I had asked you, and I'll
21 repeat this question and maybe I need
22 to clarify a little bit. Have you

1 found any problems with the state or
2 MSHA qualifications for any of the
3 ICG employees. And what I meant by
4 that is, the instructors, methane
5 certification, electrical
6 certification, have you found any
7 problems where certain people were
8 not qualified for that or anything
9 like that?

10 A. No, sir, I haven't.

11 Q. Okay. What about
12 qualification for impoundment
13 inspection or preparation plant
14 inspections?

15 A. Not to my knowledge, sir.

16 Q. Okay. You mentioned about
17 JSAs, you're not a proponent of that
18 and why is that?

19 A. Sir, the JSA concept is a good
20 concept and one reason I'm not crazy
21 about it is, it becomes so large and
22 so convoluted, it's really hard to

1 use. I like a different procedure
2 where you break down the steps of the
3 job and then look at the --- and then
4 look at the hazards associated, and
5 the ergonomics that's associated with
6 each step and move from there.

7 Q. Okay. How did Mr. Schoonover
8 become a part of the Sago Mine over
9 there? Where did he work before and
10 did you bring him over there or ---?

11 A. No, sir. When I came on
12 board, the safety directors that are
13 in place within that division were
14 already in those positions.

15 Q. Okay. So Mr. Schoonover was
16 already there at Sago Mine when you
17 took over ---

18 A. Yes, that is correct.

19 Q. --- in July?

20 A. Yes, sir, that's correct.

21 Q. Okay. Who is the responsible
22 person at the Sago Mine? And by

1 responsible person I'm talking about
2 the person that is discussed in the
3 firefighting evacuation plan?

4 A. That would be the dispatcher
5 on the surface.

6 Q. Okay. And how was he trained?
7 Have you provided any training since
8 you've taken over the mine for the
9 dispatcher?

10 A. No, sir.

11 Q. And has anyone --- since your
12 takeover at Sago Mine, has anyone
13 provided training for them?

14 A. Not to my knowledge, sir.

15 Q. Have any of the miners at Sago
16 Mine been provided training with the
17 --- concerning the evacuation
18 procedures, emergency procedures for
19 the Sago Mine since July when you
20 took over?

21 A. Not to my knowledge, but I
22 would like to add a statement.

1 Q. Sure.

2 A. During the safety director
3 meetings and also with my
4 communications to the safety
5 directors, and I called them friendly
6 reminders, that I had communicated
7 both in meetings and also when I
8 would visit the mines, as far as make
9 sure that their books was up, their
10 drills was up as far as their
11 escapeway drills and such. So I know
12 that those friendly reminders had
13 been out. But now, as far as who and
14 when, I couldn't comment on that.

15 Q. And you mentioned about the
16 books being up and they were
17 everything was listed, but do you
18 ever just ask anyone did they have
19 any kind of training or have they
20 been trained on evacuation
21 procedures?

22 A. I had asked the directors that

1 both singular and in groups from time
2 to time, a --- you know, where are
3 you at on your escapeway drills,
4 where are you at on your firefighting
5 drills and they would, you know,
6 respond accordingly. Either oh, no,
7 that's due. I got to look at the
8 book. It's due this week. Oh,
9 foreman X did it last week with crew
10 A.

11 Q. And the dispatchers, have you
12 ever had any discussions with those
13 dispatchers concerning the --- their
14 duties as a responsible person?

15 A. No, sir.

16 Q. Have you ever instructed Mr.
17 Schoonover to do that?

18 A. Not that I recall specifically
19 the way that you have asked that
20 question. I have given instructions
21 to the safety directors to make sure
22 that their task training is current,

1 complete and up to date, okay, and
2 that would come under that
3 classification. But to say
4 specifically if John Q. was the
5 dispatcher, have we went through the
6 responsible person training out loud
7 with him? No, sir.

8 Q. Okay. Well, what is his ---
9 what is a dispatcher's duties as far
10 as the firefighting evacuation plan
11 as the responsible person? What are
12 his duties?

13 A. Okay. From his station, he is
14 to readily monitor the CO readouts
15 and to take appropriate action and
16 initiations from those readouts,
17 alarm at 10, action at 15, outby
18 call.

19 Q. And does he conduct the
20 evacuation of the mine in case of
21 emergency?

22 A. Okay. He is trained to do

1 that and also to use a --- to notify
2 a manager to get additional
3 resources.

4 Q. Does he initiate the
5 evacuation of the mine ---

6 A. Yes.

7 Q. --- in case of emergency?

8 A. Yes.

9 Q. Okay. Earlier in response to
10 a question concerning the Omega
11 seals, ---

12 A. Yes, sir.

13 Q. --- you said that you thought
14 that they were a good seal.

15 A. Uh-huh (yes).

16 Q. And then you kind of said, I
17 did think they were a good seal.

18 A. Well, I want ---.

19 Q. Has that opinion changed?

20 A. No, sir. It may change
21 pursuant to the findings of the
22 investigation.

1 Q. What is the company structure
2 as far as who is the lead person as
3 far as ICG at the mine level?

4 ATTORNEY RAJKOVICH:

5 Now, again, he can't
6 speak for the company but to
7 his knowledge is ---

8 MR. SWENTOSKY:

9 Yes.

10 ATTORNEY RAJKOVICH:

11 --- what you're saying?

12 MR. SWENTOSKY:

13 Yes. Yes.

14 ATTORNEY RAJKOVICH:

15 Who answers to who?

16 MR. SWENTOSKY:

17 Yes.

18 A. Okay. My immediate supervisor
19 is Chuck Dunbar.

20 BY MR. SWENTOSKY:

21 Q. Okay. And what position is
22 he?

1 A. General manager.

2 Q. Okay. And above him?

3 A. Chuck Dunbar reports to Mr.
4 Kitts, Sam Kitts.

5 Q. Okay. And Mr. Kitts is ---
6 what title is he?

7 A. I'm not for sure of his title.
8 It's --- he's over the West Virginia
9 and Maryland operation.

10 Q. And do you know anybody above
11 him?

12 A. Do I know who he reports to?

13 Q. Yes. Yes.

14 A. No, sir, I don't know first
15 hand.

16 Q. Do you know second hand?

17 A. I don't. I'd be guessing.

18 MR. SWENTOSKY:

19 Do you have anything?

20 BY MR. SWENTOSKY:

21 Q. Has anyone offered you
22 anything or made a promise to you in

1 exchange for your appearance here
2 today?

3 A. No, sir.

4 Q. And do you have anything that
5 you would like to add that may be
6 relevant to the investigation at this
7 point?

8 A. I would like to make a brief
9 statement, if I may?

10 Q. Say anything you want, Mr.
11 Coleman.

12 A. Okay. Since the coming with
13 ICG of June (sic) 27th, 2005, they
14 have been fully supportive of my
15 recommendations pursuant to the
16 safety program and putting in place
17 and the training initiatives that we
18 wished to do. I really feel, and I'm
19 looking forward to the end result of
20 the investigation so that we can find
21 out the reasons why. I want to thank
22 everyone for their kindness and

1 professionalism shown during this
2 hearing. It helps things quite a
3 bit. And I'm in hopes what I can
4 bring here I helpful and this
5 statement is given to the best of my
6 knowledge, going through a very
7 difficult time that covers a very
8 long period. Thank you and good day.

9 MR. SWENTOSKY:

10 Thank you. I have a
11 closing statement I'd like to
12 read. On behalf of MSHA, I
13 would like to thank you for
14 appearing and answering
15 questions today. Your
16 cooperation is very important
17 to the investigation as we
18 work to determine the cause of
19 the accident.

20 We ask that you not
21 discuss your testimony with
22 any person who may have been

1 already interviewed or who may
2 be interviewed in the future.
3 This will ensure that we
4 obtain everyone's independent
5 recollection of the events
6 surrounding the accident.
7 After questioning other
8 witnesses, we may call you if
9 we have any follow-up
10 questions that we feel we need
11 to ask. If at any time you
12 have additional information
13 regarding the accident that
14 you would like to provide,
15 please contact us at the
16 information that was
17 previously provided to you,
18 and that's on the business
19 card that we gave you.

20 The Mine Act provides
21 certain protections to miners
22 who provide information to

1 MSHA, and as a result, are
2 treated adversely. If at any
3 time, you believe that you
4 have been treated unfairly,
5 because of your cooperation in
6 this investigation, you should
7 immediately notify MSHA.

8 If you wish, you may
9 now go back over any answer
10 that you have provided during
11 this interview and you may
12 also make a statement --- any
13 statement that you would like
14 to make at this time.

15 A. No, sir.

16 MR. SWENTOSKY:

17 Okay. Thanks again for
18 your cooperation in this
19 matter, Mr. Coleman. We
20 appreciate it.

* * * * *

SWORN STATEMENT

CONCLUDED AT 4:31 P.M.

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