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1 STATEMENT UNDER OATH  
2 OF  
3 JOHN D. MEHAULIC, JR.

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7 Taken pursuant to Notice by Miranda  
8 D. Elkins, a Court Reporter and  
9 Notary Public in and for the State of  
10 West Virginia, at the U.S. Bankruptcy  
11 Court, 324 West Main Street,  
12 Clarksburg, West Virginia, on Monday,  
13 March 27, 2006, at 10:19 a.m.

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

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

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3

MICHAEL RUTLEDGE

4 Safety Director  
5 West Virginia Office of Miners'  
6 Health, Safety & Training  
7 142 Industrial Drive  
8 Oak Hill, WV 25901  
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I N D E X

1		
2		
3	WITNESS: JOHN D. MEHAULIC, JR.	
4	INTRODUCTION	6 - 13
5	QUESTIONS	
6	By Mr. O'Donnell	13 - 19
7	By Mr. Rutledge	19 - 23
8	By Mr. O'Donnell	23 - 25
9	By Mr. Rutledge	25 - 26
10	By Mr. O'Donnell	26
11	CONCLUDING REMARKS	26 - 28
12	CERTIFICATE	29
13		
14		
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16		
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1                   P R O C E E D I N G S

2                   -----  
3       MR. O'DONNELL:  
4       My name is Joe  
5       O'Donnell. I'm an accident  
6       investigator with the Mine  
7       Safety and Health  
8       Administration, an agency of  
9       the United States Department  
10      of Labor. With me is Bob  
11      Wilson from the Solicitor's  
12      office, Mike Rutledge and Dave  
13      Stuart with the West Virginia  
14      Office of Miners' Health,  
15      Safety & Training.  
16      I have been assigned to  
17      conduct an investigation into  
18      the accident that occurred at  
19      the Sago Mine on January the  
20      2nd, 2006, in which 12 miners  
21      died and one was injured. The  
22      investigation is being  
23      conducted by MSHA and the West  
24      Virginia Office of Miners'  
25      Health, Safety & Training to

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1      gather information to  
2      determine the cause of the  
3      accident, and these interviews  
4      are an important part of the  
5      investigation.  
6      At this time, the  
7      accident investigation team  
8      intends to interview a number  
9      of people to discuss anything  
10     that may be relevant to the  
11     cause of the accident. After  
12     the investigation is  
13     completed, MSHA will issue a

14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future. The information  
23 obtained through witness  
24 interviews is frequently  
25 included in these reports.

0008

1 Your statement may also be  
2 used in other enforcement  
3 proceedings.  
4 I'd like to thank you  
5 in advance for your appearance  
6 here. We appreciate your  
7 assistance in the  
8 investigation. The  
9 willingness of miners and mine  
10 operators to work with us is  
11 critical to our goal of making  
12 the nation's mines safer. We  
13 understand the difficulty for  
14 you in discussing the events  
15 that took place, and we  
16 greatly appreciate your  
17 efforts to help us understand  
18 what happened.  
19 This interview with Mr.  
20 Mehaulic is being conducted  
21 under Section 103(a) of the  
22 Federal Mine Safety & Health  
23 Act of 1977 as part of an  
24 investigation by the Mine  
25 Safety and Health

0009

1 Administration and the West  
2 Virginia Office of Miners'  
3 Health, Safety & Training into  
4 the conditions, events,  
5 circumstances surrounding the  
6 fatalities that occurred at  
7 the Sago Mine owned by the  
8 International Coal Group in  
9 Buckhannon, West Virginia, on  
10 January the 2nd, 2006. This  
11 interview is being conducted  
12 at the U.S. Bankruptcy Court  
13 in Clarksburg, West Virginia  
14 on February (sic) 27th, 2006.  
15 Questioning will be  
16 conducted by representatives  
17 of MSHA and the Office of  
18 Miners' Health, Safety &

19 Training. Mr. Mehaulic, the  
20 interview will begin by my  
21 asking you a series of  
22 questions. If you do not  
23 understand a question, please  
24 ask me to rephrase it. Feel  
25 free at any time to clarify

0010

1 any statements that you make  
2 in response to the questions.  
3 After we have finished asking  
4 questions, you will also have  
5 an opportunity to make a  
6 statement and provide us with  
7 other information that you  
8 believe may be important.  
9 If at any time after the  
10 interview you recall any  
11 additional information that  
12 you believe may be useful in  
13 the investigation, please  
14 contact Mr. Richard Gates at  
15 the phone number and e-mail  
16 address that we're going to  
17 provide to you.

18 Your statement is  
19 completely voluntary. You may  
20 refuse to answer any question  
21 and may terminate your  
22 interview at any time. If you  
23 need a break for any reason,  
24 please let me know.

25 A court reporter will

0011

1 record your interview and will  
2 later produce a written  
3 transcript of the interview.  
4 Please try and respond to all  
5 questions verbally, since the  
6 court reporter cannot record  
7 nonverbal responses. Also,  
8 please try to keep your voice  
9 up. Copies of the written  
10 transcripts will be available  
11 for you at a later time.

12 If any part of your  
13 statement is based not on your  
14 own firsthand knowledge, but  
15 on information that you've  
16 learned from someone else,  
17 please let us know. Please  
18 answer each question as fully  
19 as you can, including any  
20 information you've learned  
21 from someone else. We may not  
22 ask the right questions to  
23 learn the information that you

24 have, so don't feel limited by  
25 the precise question asked.

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1 If you have information about  
2 the subject area of a  
3 question, please provide us  
4 with that information.

5 At this time, Mr.

6 Rutledge, do you have anything  
7 that you would like to add on  
8 behalf of the State of West  
9 Virginia?

10 MR. RUTLEDGE:

11 Yes. John, I just need  
12 to let you know that the West  
13 Virginia Office of Miners'  
14 Health, Safety & Training is  
15 conducting this interview  
16 session jointly with MSHA and  
17 is in agreement with the  
18 procedures outlined by Mr.  
19 O'Donnell for the interviews  
20 that will be conducted here  
21 today. However, the Director  
22 of the Office of Miners'  
23 Health, Safety & Training does  
24 reserve the right, if  
25 necessary, to call or subpoena

0013

1 witnesses or require the  
2 production of any record,  
3 document, photograph or other  
4 relevant material necessary to  
5 conduct this investigation.  
6 We thank you for being here  
7 today. If you have any  
8 questions concerning the  
9 State's part of this  
10 investigation, then you can  
11 contact Mr. Mills at those  
12 numbers.

13 MR. O'DONNELL:

14 Would you please swear  
15 in Mr. Mehaulic?

16 -----  
17 JOHN D. MEHAULIC, JR., HAVING FIRST  
18 BEEN DULY SWORN, TESTIFIED AS  
19 FOLLOWS:

20 -----  
21 BY MR. O'DONNELL:

22 Q. Please state your full name  
23 and spell your last name for us.  
24 A. John D. Mehaulic, Jr. My  
25 spelling of my last name is

0014

1 M-E-H-A-U-L-I-C.  
2 Q. And please state your address

3 and telephone number, John.  
4 A. My address is 648 Mulberry  
5 Avenue, Clarksburg, West Virginia.  
6 Telephone number is area code  
7 304-623-4121.

8 Q. And are you appearing here  
9 voluntarily?

10 A. I'm appearing here  
11 voluntarily.

12 Q. How long have you worked for  
13 MSHA?

14 A. Approximately 29 years.

15 Q. And how long have you worked  
16 at the Bridgeport field office?

17 A. Since 2000, the year 2000,  
18 I've been in that office.

19 Q. And what is your present  
20 position?

21 A. Coal mine inspector.

22 Q. Have you conducted inspections  
23 at the Sago Mine?

24 A. I've conducted inspections at  
25 Sago Mine.

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1 Q. During your inspections at the  
2 Sago Mine, did you inspect the seal  
3 area of the old Second Left?

4 A. Yes, I did inspect old Second  
5 Left seals.

6 Q. What were your observations?

7 A. My observations were to --- as  
8 I inspected the seals, Numbers One  
9 through Ten, I inspected each seal  
10 for methane, CO and oxygen. And it  
11 was a visual examination. And if you  
12 want me to elaborate, I will.

13 I did not detect any methane,  
14 did not see any oxygen deficiencies.  
15 And the seals were complete, as I  
16 could see from this side of them.  
17 They were done according to plan.

18 Q. So your --- what about rock  
19 dust in the area?

20 A. The area from 110 to seal Ten  
21 was very well rock dusted. Also, at  
22 that time, they had put --- mine  
23 management had put 1,000 pounds of  
24 rock dust at each seal. And as the  
25 observation of that, it was

0016

1 interesting to me that that was done.  
2 I did not discuss it with the mine  
3 foreman. I just said, that's nice,  
4 it looks good.

5 Q. So let me just go back. All  
6 the seals were completed; right?

7 A. All the seals were completed.

8 Q. So there was no way that you  
9 could get behind the seals to  
10 evaluate any of the conditions behind  
11 the seals?

12 A. I could not get behind the  
13 seals, no.

14 Q. And all the seals One through  
15 Ten were completed?

16 A. All through Ten were  
17 completed.

18 Q. So your observation, then, was  
19 just of what?

20 A. Of the front side of them and  
21 how they looked from the front side  
22 and the area around the front side.

23 Q. Did you see anything unusual  
24 that would bring attention to your  
25 inspection?

0017

1 A. Nothing unusual. What I did  
2 see was cribs at each seal and the  
3 line curtain, dates, times and  
4 initials at each seal. The walkway  
5 was intact. And on that particular  
6 day, I was looking at the mine roof,  
7 the roof ribs a lot because the area  
8 had been sealed because it had bad  
9 roof in that area. And that was a  
10 concern that the integrity of the  
11 seals were intact. And they were.

12 Q. They were. John, how many  
13 cribs were set in front of each of  
14 the seals?

15 A. I know of one for sure,  
16 possibly two.

17 Q. And was there anything unusual  
18 about the Number One seal and the  
19 Number Ten seal?

20 A. In my inspection, the water  
21 traps and methane taps were in place.  
22 The water trap was in One and the  
23 methane tap was in Two.

24 Q. Okay.

25 A. It was in the last seal,

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1 Number Ten.

2 Q. That would be the last seal on  
3 the far right as you look into the  
4 mine?

5 A. Yeah.

6 Q. Okay.

7 A. I usually denote that in my  
8 notes with WT and MT.

9 Q. And you say that there was a  
10 curtain installed in each of the ---?

11 A. Yeah. There was a line  
12 curtain controlling ventilation to



13 the seals, just to sweep them for any  
14 foul air.

15 Q. Uh-huh (yes). And your  
16 findings?

17 A. My findings is that --- I  
18 normally take an air movement reading  
19 at the outby end of the seals where  
20 the air travels past the seals to the  
21 last seal. I did that. And my  
22 findings at that time with the rock  
23 dust and the air and the integrity of  
24 the seals and the cribs and the  
25 dates, times and initials and the

0019

1 walkway and the roof and the methane  
2 test that the seals in that area were  
3 constructed as required and had no  
4 violations issued for those seals.

5 MR. O'DONNELL:

6 Mr. Rutledge?

7 BY MR. RUTLEDGE:

8 Q. John, you said something about  
9 1,000 pounds of rock dust at each  
10 seal?

11 A. Uh-huh (yes).

12 Q. Okay. An employee of the mine  
13 had told you that they had put this  
14 amount outby each of those seals, or  
15 how did you come to that amount?

16 A. When I saw them there, the  
17 bags of dust stacked, the mine  
18 foreman told me there's 1,000 pounds  
19 stacked at each seal. And I didn't  
20 look at the bags intently to count  
21 each bag to see that it equaled that.  
22 That was just the effect of  
23 observation.

24 Q. Okay. So there was a pallet  
25 or a stack of ---?

0020

1 A. Bags. Rock dust bags.

2 Q. Okay. That --- I'm sorry.  
3 That you assumed that when you put  
4 out around that area or that was left  
5 there for ---?

6 A. The discussion with the mine  
7 foreman of why they were there did  
8 not come about. I presume that  
9 during the course of the life of the  
10 seals, they would be broken up and  
11 spread around for additional rock  
12 dusting if necessary. It was just  
13 something that I saw that was unusual  
14 because I didn't see it at other  
15 seals in my career of inspection.

16 Q. Okay. And you mentioned that  
17 each of the seals had a line curtain

18 in it to ventilate it. And on ---  
19 going by that seal line on the  
20 left-hand side, there would have been  
21 a line of stoppings across there; is  
22 that correct?  
23 A. I'm not sure what your  
24 question is, Mike. Backup stoppings?  
25 Q. Yeah. There would have been a

0021

1 stopping outby the seal for air to  
2 sweep across the seals and then go to  
3 the return?  
4 A. I don't recall. But the air  
5 was coursed in its proper direction  
6 going to the left to the return,  
7 because I got an air reading there.  
8 Q. Okay. So they all had to be  
9 in place?  
10 A. Yeah. I got an air reading.  
11 And I'm not sure what the exact air  
12 reading was. But yes. As I came  
13 into the sealed area --- I either got  
14 it outby One or One and Two seal. I  
15 can't remember. The air was coursing  
16 that way and I got an air reading  
17 there.

18 MR. RUTLEDGE:

19 That's fine. No  
20 further. I'm sorry.

21 BY MR. RUTLEDGE:

22 Q. Okay. John, just what day was  
23 that inspection done? Do you recall  
24 that?

25 A. Yes, I do. It's the 21st of

0022

1 December.  
2 Q. Okay. 21st of December?  
3 A. Yeah. What I did was make  
4 regular inspection work prior to that  
5 and I did want to see the seals  
6 intact, even though I knew my other  
7 --- the other inspector, Marty  
8 Carver, who had inspected that area  
9 prior to me, and was transferred out  
10 of the mine, I wanted to see the  
11 seals intact, that they were, indeed,  
12 completed and that the area was okay  
13 around the seals. Because I found  
14 that inspecting seals, sometimes they  
15 build up water behind them or  
16 something like that. And I wanted to  
17 see them intact and know that they  
18 were done, no matter who saw them  
19 before me. I just --- I wanted to  
20 know myself.  
21 Q. And did you make a methane, CO  
22 and oxygen test at each seal?

23 A. I made a CO, CH4 and O2 check  
24 at each seal, at the face of each  
25 seal.

0023

1 Q. Okay. And you detected none  
2 of those gases, normal oxygen?

3 A. Normal oxygen and no CH4.

4 MR. RUTLEDGE:

5 That's all I have.

6 BY MR. O'DONNELL:

7 Q. John, did anyone accompany you  
8 that day of your inspection?

9 A. The mine foreman for Sago  
10 Mine.

11 Q. And who is that?

12 A. That day it was Carl Crumrine.

13 Q. Did you have any other escorts  
14 that day?

15 A. No other escorts that day.

16 After I did the seals, I did other  
17 inspection activity.

18 MR. O'DONNELL:

19 Okay. Let's take a  
20 short break.

21 SHORT BREAK TAKEN

22 MR. O'DONNELL:

23 I just have one  
24 follow-up question.

25 BY MR. O'DONNELL:

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1 Q. When you examined across the  
2 faces of the seals and you said that  
3 there was bulk rock dust, ---

4 A. Uh-huh (yes).

5 Q. --- was there any other rock  
6 dust scattered about?

7 A. There was --- the area in  
8 front of the seals and the walkway  
9 across the front of the seals was  
10 well rock dusted.

11 Q. And what degree would you  
12 consider well rock dusted?

13 A. The roof, ribs, the walkway,  
14 the ribs to the seals, the roof to  
15 the seals was well rock dusted. And  
16 the fact that I made the statement to  
17 the mine foreman that this is a  
18 pretty good job.

19 Q. Uh-huh (yes).

20 A. Because the area's somewhat  
21 damp to wet.

22 Q. Uh-huh (yes).

23 A. And when you rock dust a damp  
24 to wet area, it tends to penetrate in  
25 and make it ---. So I would say ---

0025

1 I can't put a depth measurement to

2 it, but it was not two inches thick.  
3 Q. Okay.  
4 A. It was less than that.  
5 Q. On the floor?  
6 A. On the floor, it had a rock  
7 floor bottom. And I would say less  
8 than an inch on the floor.  
9 Q. Okay.  
10 BY MR. RUTLEDGE:  
11 Q. John, I'm sorry to repeat, but  
12 you just observe the outside of the  
13 completed seals?  
14 A. Uh-huh (yes).  
15 Q. Which is all plastered over on  
16 on the side that you observed?  
17 A. Uh-huh (yes).  
18 Q. And do you happen to remember  
19 or did you maybe have in your notes  
20 what your air reading was across  
21 those seals, the volume of air going  
22 across those seals?  
23 A. I remember talking to Carl  
24 Crumrine. And I had a little more  
25 than a weekly examiner would get.

0026

1 And it was under 10,000 cubic feet.  
2 It was somewhere between 7,000 and  
3 10,000 cubic feet per minute. It  
4 wasn't 50,000 and it wasn't 30,000.  
5 Q. Uh-huh (yes).  
6 A. And there was a large area  
7 because it was high. Because the  
8 seals were high. It was a large  
9 area.  
10 MR. RUTLEDGE:  
11 Okay. Thanks. That's  
12 all.  
13 BY MR. O'DONNELL:  
14 Q. John, were you involved with  
15 the rescue and recovery operations at  
16 the mine at any time? And if you  
17 were, what was your involvement?  
18 A. I was not involved at any time  
19 with the rescue and recovery  
20 operations.  
21 Q. Do you have anything you'd  
22 like to add that may be relevant to  
23 the investigation?  
24 A. No, not at this time.

25 MR. O'DONNELL:

0027

1 On behalf of MSHA, I  
2 want to thank you for  
3 appearing and answering  
4 questions today. Your  
5 cooperation is very important  
6 to the investigation as we

7 work to determine the cause of  
8 the accident. We ask that you  
9 not discuss your testimony  
10 with any person who may have  
11 already been interviewed or  
12 who may be interviewed in the  
13 future. This will ensure that  
14 we obtain everyone's  
15 independent recollection of  
16 the events surrounding the  
17 accident. After questioning  
18 other witnesses, we may call  
19 you if we have any other  
20 follow-up questions that we  
21 may need to ask you. If at  
22 any time you have additional  
23 information regarding the  
24 accident that you would like  
25 to provide us, please contact

0028

1 us at the contact information  
2 that we previously provided to  
3 you. If you wish, you may go  
4 back over any answer that  
5 you've given during this  
6 interview and may also make a  
7 statement that you'd like at  
8 this time.

9 A. No. I don't have any  
10 statements.

11 MR. O'DONNELL:

12 And again, John, I  
13 would like to thank you for  
14 your cooperation. We  
15 appreciate you coming.

16 A. Thank you.

17

18

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\* \* \* \* \*  
SWORN STATEMENT  
CONCLUDED 10:38 A.M.  
\* \* \* \* \*