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1 MR. KOERBER: Let's go on the
2 record, please.

3 My name is Barry Koerber. I'm an
4 Assistant Attorney General. I'm assigned
5 to represent the West Virginia Office of
6 Miners' Health Safety & Training.

7 Today is October 28th, 2010.
8 We're here to do an interview pertaining
9 to the investigation of the April 5th,
10 2010 mine explosion at the Upper Big
11 Branch Mine.

12 Beside me are also two members of
13 the Office of Miners' Health Safety &
14 Training. I would ask that they identify
15 themselves.

16 MR. FARLEY: I'm Terry Farley.

17 MR. O'BRIEN: I'm John O'Brien
18 with the West Virginia Office of Miners'
19 Health Safety & Training.

20 MR. KOERBER: We also have two
21 other investigation teams present in the
22 room that will also participate in the
23 interview. I would ask that they identify
24 themselves and the organization they're

1 with.

2 MR. SHERER: I'm Eric Sherer with
3 MSHA.

4 MR. BAXTER: Derek Baxter, Office
5 of the Solicitor, Department of Labor.

6 MR. MCGINLEY: Patrick McGinley
7 with the Governor's Independent
8 Investigation Panel.

9 MR. KOERBER: We have two people
10 in the back. I'd ask that they identify
11 themselves and the agency they're with.

12 MR. PHILLIPSON: Sandon
13 Phillipson, MSHA.

14 MR. MORELY: Thomas Morely, MSHA.

15 MR. KOERBER: Mr. Trent, we have
16 a court reporter here, as I said earlier.
17 She'll be taking down everything that you
18 say, everything that is said, both
19 questions and answers.

20 I would ask that you speak loudly
21 so that she can hear you. She may every
22 once in a while interrupt and ask you what
23 you just said or ask somebody what they
24 just said, so please be understanding of

1 that.

2 You've got to say yes or no.
3 Can't nod your head.

4 THE WITNESS: Okay.

5 MR. KOERBER: Try to wait until
6 the interviewer has asked the question
7 before you begin your answer, and I'm
8 asking the interviewers to also please
9 wait until you have finished the answer
10 before they ask the question.

11 The court reporter will have the
12 transcripts ready for review, if you care
13 to review it, three days after today,
14 which would be Wednesday morning.

15 The court reporter firm is Johnny
16 Jackson & Associates. It's in Charleston,
17 West Virginia. I'm sure your attorney is
18 aware of the firm and where it's located.

19 All you need to do, if you choose
20 to read and check your transcript, is just
21 call for an appointment. They'll put you
22 in a conference room where you'll be able
23 to read the transcript. You'll be able to
24 make any edits that you deem necessary on

1 an errata sheet. You will not be able to
2 take a copy with you. You can go, you and
3 your attorney can go, however you so
4 choose.

5 Also, if for any reason this
6 afternoon you need a break, just ask and
7 we'll take a break. We would request that
8 you not discuss your testimony after you
9 leave this room with anybody but your
10 attorney just to protect the integrity of
11 the investigation.

12 At this point in time, I'd ask
13 that the witness be sworn in.

14 KEITH TRENT, WITNESS, SWORN

15 MR. KOERBER: Would you please
16 state your name, your full name and spell
17 your last.

18 THE WITNESS: Keith Douglas
19 Trent, T-r-e-n-t.

20 MR. KOERBER: What's your address
21 and telephone number?

22 THE WITNESS: [REDACTED]

23 [REDACTED] .
24 MR. KOERBER: Mr. Baxter, would

1 you like to identify on the record that he
2 has received a letter?

3 MR. BAXTER: Yes. Mr. Trent, I
4 handed you a letter shortly before the
5 interview started. Do you have any
6 questions about that? The letter
7 discusses the interview.

8 THE WITNESS: No. No, I don't.

9 MR. BAXTER: At the bottom it
10 does say if after the interview you recall
11 any additional information you'd like to
12 share with us, you or in this case your
13 attorney can contact MSHA. The contact on
14 the letter is Norman Page, and his e-mail
15 and phone number are on there.

16 MR. KOERBER: Mr. Trent, do you
17 have an attorney appearing here with you
18 today?

19 THE WITNESS: Yes.

20 MR. KOERBER: Sir, would you
21 please state your name and your firm for
22 the record.

23 MR. WARNER: My name is Brian
24 Warner. I'm with Shuman, McCuskey &

1 Slicer.

2 MR. KOERBER: Is Mr. Trent your
3 client?

4 MR. WARNER: He is.

5 MR. KOERBER: We also have
6 another attorney in the room. I would ask
7 that he identify himself, his firm and his
8 client.

9 MR. ALLEN: Bob Allen with Allen,
10 Guthrie & Thomas, and I represent the
11 company.

12 MR. KOERBER: Mr. Trent, are you
13 appearing here today as a result of
14 receiving a subpoena?

15 THE WITNESS: Yes.

16 MR. KOERBER: What I'm going to
17 hand you is a copy of that subpoena, and I
18 just want you to take a look at it.

19 Would you agree that that's a
20 copy of the subpoena that you received?

21 THE WITNESS: Yes, it is.

22 MR. KOERBER: Okay. Would you
23 please mark that as Trent Exhibit 1.

24 (Trent Exhibit No. 1 marked for

1 identification.)

2 MR. KOERBER: I'd also like to
3 give you a little bit of contact
4 information as well. First and foremost,
5 I'm going to give you a memorandum which
6 contains the address of the West Virginia
7 Board of Appeals. The Board of Appeals is
8 an administrative tribunal that hears
9 discrimination cases involving coal
10 miners.

11 The discrimination statute is
12 West Virginia Code 22A-1-22. This is
13 something you may want to talk to your
14 attorney about at the end of the
15 interview. But if you believe you have
16 been discriminated against because of your
17 participation in this interview, this is
18 the body that you want to file your
19 complaint with. I would like to inform
20 you that should you feel that you are
21 discriminated against, you only have 30
22 days from the day that the discrimination
23 occurs to file your claim with the board.

24 I also have with me the business

1 card for Mr. Terry Farley, our lead
2 interviewer for the State of West
3 Virginia, and also the business card for
4 Mr. Bill Tucker, who is the lead
5 underground investigator for the UBB mine
6 explosion.

7 If after this interview you would
8 think of something that you think is
9 important for the investigators to know,
10 please feel free to contact either of the
11 two individuals.

12 At this point in time, I'd like
13 to pass the interview over to Mr. Terry
14 Farley to begin the interview.

15 EXAMINATION

16 BY MR. FARLEY:

17 Q. Mr. Trent, thank you for coming today.

18 A. You're welcome.

19 Q. Let me start with a little background
20 information, if you don't mind.

21 Where are you currently employed?

22 A. I work for -- I'm an employee through
23 Marfork Coal. It's Massey, Massey Energy.

24 Q. Now, are you specifically employed by

1 Marfork Coal, or are you a group called Route 3
2 Engineering?

3 A. Route 3 Engineering, that's what we are.

4 Q. Where does your paycheck actually come
5 from?

6 A. Marfork.

7 Q. How long have you been with the group
8 known as Route 3 Engineering?

9 A. Probably eight years, around there, I'd
10 say.

11 Q. Now, how long have you been with Massey
12 Energy or any of its subsidiaries?

13 A. It will be 16 in January.

14 Q. So 16 total, about eight with the --

15 A. Yes.

16 Q. -- Route 3 Engineering group?

17 What's your total mining experience? How
18 long have you been in the industry?

19 A. I have been in the industry about 35
20 years.

21 Q. Who did you work with before you came to
22 Massey?

23 A. I worked for Westmoreland Coal, and I
24 worked for Maben Energy, and I worked for a

1 privately owned engineering firm for a year.

2 Q. Now, do you have an engineering degree?

3 A. No, I don't.

4 Q. What is your actual position with Route 3
5 Engineering?

6 A. I'm the survey coordinator.

7 Q. Now, was that your position as of April
8 5th of this year?

9 A. Yes.

10 Q. Now, as survey coordinator, what does that
11 actually involve? Can you give me a general
12 description what your duties are?

13 A. I do their -- I coordinate their day-to-
14 day work and I lay out their day for them to, what
15 they need to do for surveying underground.

16 Q. Now, do you accompany the surveyors
17 underground, or do you just coordinate the work?

18 A. I do not accompany them. I just
19 coordinate it.

20 Q. Now, do you have a surveyor's license, or
21 are you a registered surveyor?

22 A. No, sir.

23 Q. How did you acquire your training as a
24 surveyor?

1 A. On the job.

2 Q. Was that during your time with Route 3
3 Engineering?

4 A. That's what I have always done since I
5 started working. It's always been in engineering.

6 Q. So that's 30 years, 30 plus years?

7 A. Yes.

8 Q. That's a pretty good while.

9 As of April 5th, who did you report to
10 with Route 3 Engineering?

11 A. Matt Walker is our immediate supervisor in
12 the office.

13 Q. Prior to April 5th, how long was
14 Mr. Walker your supervisor?

15 A. I really don't know that, because he's the
16 engineer in the office, and that's who we answer
17 to. We've had other engineers before him.

18 Q. How long had Mr. Walker been with Route 3
19 Engineering?

20 A. Three or four years, probably.

21 Q. Now, did your area of responsibility
22 include the Upper Big Branch Mine?

23 A. Yes.

24 Q. Now, how many people, particularly

1 surveyors, reported directly to you, if any?

2 A. I have 12.

3 Q. Are they all surveyors, or how are they
4 categorized?

5 A. We have transit men and we have what we
6 call rod men.

7 Q. Now, in your area of responsibility, how
8 many mines or facilities did you have to deal with
9 at that time prior to April 5th?

10 A. We have 19 sections.

11 Q. Nineteen underground sections?

12 A. Yes.

13 Q. Was that a considerable workload?

14 A. Yes.

15 Q. Do you feel like you had enough time to
16 accomplish what you needed to do?

17 A. Yes.

18 Q. Of course, you've been with Route 3
19 Engineering for several years now. We have
20 documented evidence to confirm there was an
21 inundation or outburst of methane or natural gas on
22 the UBB headgate 16 longwall panel in July of
23 2003. Did you ever hear about that?

24 A. No.

1 Q. Never?

2 A. I may have heard it through, you know, the
3 talk through everybody else, but, no, I have not
4 just myself heard it, you know.

5 Q. Well, let me ask you this: When did you
6 first become aware of it?

7 A. At this explosion here probably is when I
8 have heard it.

9 Q. All right. What were you told about the
10 event when you first learned of it?

11 A. The only thing I heard, they said they had
12 an explosion of methane. That's the only thing I
13 heard.

14 Q. You heard it was an explosion?

15 A. That's the only thing I heard.

16 Q. Now, we also have evidence of a similar
17 event in February of 2004. Prior to April 5th of
18 this year, did you ever hear about that one?

19 A. No.

20 Q. Well, I guess if you never heard of them
21 prior to April 5th, you wouldn't know if either
22 event brought about any ventilation changes at UBB,
23 would you?

24 A. No, I wouldn't.

1 Q. While you've been working as a survey
2 coordinator with Route 3 Engineering during the
3 last several years, have you at any time been
4 involved in mine planning?

5 A. No.

6 Q. More specifically, ever sit in on any
7 meetings to discuss ventilation plans?

8 A. No, sir.

9 Q. Roof control plans, anything like that?

10 A. No, sir.

11 Q. Who would routinely handle those things
12 with Route 3 Engineering?

13 A. Our engineer, Matt.

14 Q. Matt Walker?

15 A. Yes.

16 Q. In tracing the history of the longwall at
17 Upper Big Branch prior to April 5th, we understand
18 that the longwall returned to UBB or started
19 production at UBB last year in early September.
20 Does that sound accurate to you?

21 A. I really don't know what the date would
22 be, but I know it was active at one time.

23 Q. Would you have any idea when a decision
24 was made to bring the longwall back to UBB?

1 A. No, I don't.

2 Q. Do you recall when you personally learned
3 that the longwall was returned to UBB?

4 A. Could you repeat that to me?

5 Q. Yeah. You recall that the longwall
6 returned to Upper Big Branch in around early
7 September 2009. When did you personally become
8 aware that the longwall was coming back to UBB?

9 A. We have to set the sections, you know, for
10 the spads for that. That's when we find out, you
11 know, so we got the same guys there to extend the
12 spads on a daily basis.

13 Q. But do you recall when you found out?

14 A. Not the date. I could not tell you.

15 Q. Would it have been sometime in 2009?

16 A. It would have to be that date, somewhere
17 in there, because we set the spads, you know.

18 Q. All right. As of April 5th of this year,
19 who was the supervisor or lead engineer with Route
20 3 Engineering? Who was the head person?

21 A. Matt Walker. He's their engineer.

22 Q. But was he in charge of the entire Route 3
23 Engineering group?

24 A. Paul McCombs would have been the chief

1 engineer.

2 Q. All right. Do you know, were you at any
3 time specifically assigned only to the UBB mine?

4 A. No.

5 Q. Who among the Route 3 Engineering group
6 might have been assigned to UBB on a full-time
7 basis?

8 A. The only one I know is Danny Akers.

9 Q. Okay.

10 A. He went to the mines. I mean, this was
11 after the fact.

12 Q. After the explosion?

13 A. Yes.

14 Q. Prior to April 5th of this year.

15 A. Nobody was specifically.

16 Q. All right. The individuals you
17 coordinate, transit men, rod men, people who do the
18 survey work for you, prior to April 5th of this
19 year, did they at any time report to you that they
20 were aware of any ventilation problems?

21 A. No.

22 Q. Did they ever report any problems of any
23 kind to you?

24 A. No.

1 Q. Were you on the job on April 5th?

2 A. Yes.

3 Q. Of this year?

4 A. Yes, sir.

5 Q. What was your location at the time that
6 you learned a problem had occurred at UBB?

7 A. I was in the office.

8 Q. How did you learn that there was a problem
9 with UBB?

10 A. They had called there and said at the
11 office there was a problem.

12 Q. Do you recall what the initial description
13 was?

14 A. No, I don't. No, I don't.

15 Q. Do you recall who might have called the
16 office?

17 A. No.

18 Q. Did you happen to work the weekend
19 preceding April 5th, Easter weekend?

20 A. No.

21 Q. Do you know if anybody from the Route 3
22 Engineering group might have worked that weekend?

23 A. No, I don't.

24 Q. After you learned that there was a problem

1 at UBB on April 5th, what did you do? What were
2 you assigned to do? How long were you on the
3 property after you --

4 A. We were on the property -- I was on there
5 for about 30 hours.

6 Q. What kind of work did you do?

7 A. We ran maps.

8 Q. Anything else?

9 A. No, that's the only thing, maps.

10 Q. Who was giving you directions regarding
11 the maps?

12 A. Paul McCombs is the one who gave us --
13 Paul McCombs had us to run maps, whatever that was
14 needed.

15 Q. Now, at what point did you become aware
16 that a major explosion occurred during the evening
17 of April 5th or the following day?

18 A. That night, probably late in the afternoon
19 is when they said there may have been an explosion.

20 Q. Do you recall where that information came
21 from?

22 A. No, I don't.

23 Q. Now, throughout the evening of April 5th
24 and into the following day of April 6th while you

1 were on the job, did you make any written or
2 recorded notes?

3 A. No.

4 Q. Last year in 2009 or before, whenever the
5 planning might have been ongoing to return the
6 longwall to the Upper Big Branch Mine, are you
7 aware of any discussions concerning pillar
8 stability for the longwall gate entries?

9 A. No, I wasn't.

10 Q. Do you have any idea who might have taken
11 the lead in the longwall planning discussions in
12 2009?

13 A. No.

14 Q. Do you know who might have been involved
15 in discussing it?

16 A. Unless it was the engineer himself, Matt.

17 MR. FARLEY: All right. Eric?

18 EXAMINATION

19 BY MR. SHERER:

20 Q. I have got several follow-up questions, so
21 I might be jumping around a bit, so just excuse
22 me.

23 Are you hourly or salaried?

24 A. I'm considered salary non-exempt, which is

1 actually hourly, overtime.

2 Q. Are you familiar with the projections on
3 the ventilation maps?

4 A. We do projections, but no ventilation. We
5 have nothing to do with ventilation. We see the
6 projections on the maps.

7 Q. Who decides what projections to put on
8 those maps?

9 A. That's the engineer.

10 Q. Have you done those maps for Upper Big
11 Branch?

12 A. Yes.

13 Q. Who was the engineer that did the
14 projections for those maps?

15 A. Matt Walker, at the time. Well, I take
16 that -- Eric Lilly was on it, too.

17 Q. So Mr. Walker and/or Mr. Lilly?

18 A. Yes.

19 Q. How about your survey closures, do you
20 have some standards for that?

21 A. Yes, we do.

22 Q. What are those, please?

23 A. One in 10,000, we require for us.

24 Q. One in 10,000 horizontally?

1 A. That means once every 10,000 feet.

2 Q. What about vertical closure, do you know
3 that?

4 A. No.

5 Q. What about angular closure?

6 A. Just the -- we have an azimuth closure on
7 it.

8 Q. What's the standard for the azimuth
9 closure?

10 A. A minute, what we've said, at least a
11 minute. If it's less than a minute, we're okay
12 with it.

13 Q. Now, do you adjust out the angular error
14 when you calculate your surveys?

15 A. We usually have the surveyor there. If
16 it's off or so, I'll have them go back in there and
17 move the azimuth back the way it should be, put
18 them in the right direction.

19 Q. Thank you.

20 Now, do you do the mine postings, the
21 entry widths and locations?

22 A. The surveyors bring it in to us and we
23 update the maps daily.

24 Q. Now, how do they locate the entry sizes

1 and the widths and the pillar shapes and such? How
2 is that done?

3 A. They measure it. We have a digital
4 instrument that's used to distance, but they tape
5 measure the side notes.

6 Q. So they use offsets to calculate?

7 A. Yes, offsets.

8 Q. Have you ever noticed any of the entries
9 that were wider than 22 feet?

10 A. Some probably, yes.

11 Q. How about entries that are 30 feet wide,
12 have you ever noticed any that were that wide?

13 A. No.

14 Q. Any that were 25 feet wide?

15 A. Yes, probably.

16 Q. Have you ever flagged those wide entries
17 as a potential problem?

18 A. I haven't, but...

19 Q. Have you ever talked to anybody at the
20 mine about the entry widths?

21 A. No.

22 Q. What about the ventilation controls, how
23 are those plotted and kept up with?

24 A. Surveyors bring them to us, and sometimes

1 the superintendent will give them to us.

2 Q. What about when changes are made outby to
3 the ventilation controls, how is that handled?

4 A. Superintendents are supposed to mark it
5 and bring it to us.

6 Q. Who prepares the ventilation maps that
7 have to be submitted to MSHA annually?

8 A. That's the engineer.

9 Q. Did you ever work on those?

10 A. No.

11 Q. Who certifies those maps?

12 A. Ray Brainard.

13 Q. Does he also plot up those maps?

14 A. No.

15 Q. Does he use the information that you
16 develop through your surveying and plotting to draw
17 those maps?

18 A. We draw the maps.

19 Q. You draw the maps. Has he ever come back
20 and questioned you about anything that was on any
21 of those maps?

22 A. No, sir.

23 Q. How many mines are you responsible for?

24 A. It's 19 sections. It's probably 12 mines,

1 probably.

2 Q. Did you notice a lot of activity with
3 Upper Big Branch prior to the explosion?

4 A. No, I don't.

5 Q. Do you pick up geologic features when
6 you're doing the surveying and plotting?

7 A. They would show cracks, whatever, you
8 know, rolls.

9 Q. Are you familiar with any features like
10 that on the active mining areas at Upper Big Branch
11 prior to the explosion?

12 A. No.

13 Q. Are you familiar with the gas inundations
14 that occurred at Upper Big Branch?

15 A. No, sir.

16 Q. Were you employed in 1998?

17 A. Yes.

18 Q. Did you hear about a gas inundation that
19 occurred then?

20 A. I heard it through the talking of people.

21 Q. How about 2003 and 2004?

22 A. Same as that, probably heard it through
23 the talking. Other than that, no, I have not heard
24 it personally.

1 Q. Did anybody not ask you to put those
2 locations on the map?

3 A. No.

4 Q. In retrospect, do you think that that
5 would have been a good thing to put on the map?

6 A. Yes.

7 MR. SHERER: Thank you,
8 Mr. Trent. That's all the questions I
9 have got right now.

10 EXAMINATION

11 BY MR. MCGINLEY:

12 Q. Mr. Trent, how many times have you been
13 underground at UBB?

14 A. I haven't been underground there in
15 probably the last three or four years.

16 Q. Before that, I mean, overall, looking back
17 at the time you've --

18 A. One time.

19 Q. One time over how many years that you've
20 been working on...

21 A. In the last eight years, one time
22 probably.

23 Q. That would have been maybe four years
24 ago? I'm not trying to hold you. I'm just

1 wondering.

2 A. I couldn't give you a date. I don't
3 remember.

4 Q. Sure.

5 A. I don't know.

6 Q. When you first came there or somewhere in
7 between?

8 A. Somewhere in between.

9 Q. Why did you go underground then?

10 A. I went to check differential. They called
11 it coal, I called it bone and I checked it.

12 Q. Who called it? Who was calling bone coal?

13 A. The boss himself, the section boss.

14 Q. Was it bone?

15 A. It was bone.

16 Q. You said that we have 19 underground
17 sections, correct?

18 A. Correct.

19 Q. Can you explain what that means? We're
20 talking about continuous miner sections and
21 longwall sections, or is there some other?

22 A. It's all continuous miner sections now.

23 Q. Did you ever do work in connection with a
24 longwall?

1 A. Yes.

2 Q. And that stopped?

3 A. We did the daily posting of the maps.

4 Q. Leading up to April 5th, what kind of work
5 did you do with regard to the longwall at UBB?

6 A. All I did was put the daily posting in.

7 Q. Was there other mapping work that was done
8 by somebody else outside of Route 3 Engineering
9 with regard to the longwall?

10 A. I don't know.

11 Q. When you say you put daily postings for
12 the longwall, is that indicating how far the
13 longwall was advancing every day?

14 A. Longwall, plus the -- where they have the
15 miner sections to advance.

16 Q. So at the time of the explosion, those
17 sections were tailgate 22, headgate 22, and was
18 there a 23?

19 A. 21, yeah. 23, yes.

20 Q. That was just starting, 23?

21 A. They were in maybe 500, 600 feet.

22 Q. You were asked about entries that were 25
23 or 30 feet wide. Do you recall those questions?

24 A. Yes.

1 Q. How wide are the entries at UBB required
2 to be according to the mine plan?

3 A. I don't know.

4 Q. You were asked if you knew what potential
5 problems were caused by wide entries. Do you know
6 what kind of problems wide entries can cause?

7 A. No, I don't.

8 Q. If there are regulatory requirements that
9 limit the width of mine entries, is that something
10 you would like to know?

11 A. State that for me again, please.

12 Q. Let me withdraw that.

13 Do you know whether there are any state or
14 federal mine safety agency requirements with regard
15 to width mine entries?

16 A. No, I don't.

17 Q. There are maps that are brought to Route 3
18 Engineering that are from the superintendent or the
19 mine foreman that reflect ventilation changes.
20 Those are placed on a map; is that correct?

21 A. They bring the update where they build
22 their stoppings, and that's what we put on our
23 maps.

24 Q. Do they bring that in the form of a map

1 with stoppings drawn in?

2 A. Yes.

3 Q. Is there any other way that that
4 information is communicated other than on those
5 maps?

6 A. Just maps.

7 Q. Those maps come from -- at UBB it would
8 be, at the time of explosion, who would that be?

9 A. The superintendent usually.

10 Q. Who was the superintendent just in the
11 spring of 2010, if you recall?

12 A. I don't recall.

13 Q. Who was the general mine foreman at that
14 time, do you recall?

15 A. I don't recall that either.

16 Q. Who had been in the last couple of years,
17 general mine foreman and superintendent at UBB?

18 A. Everett Hager.

19 Q. He was the superintendent?

20 A. Yes.

21 Q. What about general mine foreman?

22 A. I don't know.

23 Q. Did they ever actually bring the maps
24 themselves with the ventilation changes, the

1 stoppings and so forth, to Route 3 Engineering or
2 did someone bring them?

3 A. Somebody else brought them or we went to
4 get them.

5 Q. Where would you go to get them?

6 A. To the mines, at the mine office.

7 Q. At the portal. Which portal would that
8 be?

9 A. That's the -- not the Route 3, the other
10 -- I don't know what office would you call it.
11 It's above the main office.

12 Q. Is it near one of the portals? There was
13 the Ellis and the UBB portal?

14 A. Yes. It's the UBB portal we go to.

15 Q. Where would you find those maps? They'd
16 just be sitting there or you'd ask for maps?

17 A. You call and ask. The superintendent
18 would have it for you.

19 Q. Now, you take those maps back to your
20 office and basically input the information into the
21 computer?

22 A. Yes.

23 Q. What happens to those maps?

24 A. Our file.

1 Q. How long do you keep them on file?

2 A. I keep them on a yearly basis.

3 Q. What happens after a year is up?

4 A. We have hard copies that are permanent,
5 but the paper copies we trash.

6 Q. So the hard copies you scan --

7 A. Yes.

8 Q. -- into a computer file? So how far back
9 would the computer file copies go? Back to the
10 beginning of the time you --

11 A. The beginning of the mines.

12 Q. So that's a complete record, would be a
13 complete record of the mining, basically, as
14 reflected in the maps?

15 A. Yes.

16 Q. Do you remember when Matt Walker came to
17 work at Route 3 Engineering?

18 A. I cannot tell you the date he came.

19 Q. No, no, no. You remember he came there to
20 work?

21 A. Yes.

22 Q. He didn't have any experience except as a
23 mine engineering student at WVU when he came to
24 your office?

1 A. I don't know.

2 Q. How many professional engineers are there
3 that have an engineering stamp in your office?

4 A. One at the present.

5 Q. Who would that be?

6 A. Ray Brainard.

7 Q. What about Paul McCombs?

8 A. He's no longer with us.

9 Q. Mr. McCombs, did he go to another Massey
10 entity, do you know?

11 A. No, sir.

12 Q. Where did he go?

13 A. Marshall Miller.

14 Q. Consulting engineers?

15 A. Yes.

16 Q. Mr. McCombs had responsibilities for
17 environmental compliance?

18 A. Yes.

19 Q. Those responsibilities were a significant
20 part of his work?

21 A. He was both environmental and mining.

22 Q. Environmental what? Environmental
23 engineer? Environmental --

24 A. Environmental engineer.

1 Q. And mining engineer?

2 A. Yes.

3 Q. Did he generate in the course of that work
4 maps for submission to regulatory agencies with
5 regard to environmental compliance, permit maps and
6 that sort of --

7 A. I don't know.

8 Q. You don't know if he did that in your
9 office with your printer/plotters?

10 A. They have two separate offices. An
11 environmental office. We are the mining office.

12 Q. So did Mr. McCombs work in a different
13 office than the one where you're physically
14 located?

15 A. Yes.

16 Q. Is that where Mr. Eric Lilly also worked,
17 the same office?

18 A. He started with us, then he went to UBB.

19 Q. Do you know why Eric Lilly went to UBB?

20 A. I have no idea.

21 Q. Now, did Mr. Brainard do the bulk of the
22 certification in terms of professional engineering
23 certification of the mine map, mapping work that
24 was done at Route 3 Engineering?

1 A. Yes.

2 Q. What would you say, did occasionally
3 Mr. McCombs put his professional engineer stamp on
4 mine maps, or was it exclusively Mr. Brainard?

5 A. No, I think Paul did, too.

6 Q. Do you have any sense of, I'm not looking
7 for any precise number, but the allocation?

8 A. I have no idea.

9 Q. But Mr. Brainard did more than
10 Mr. McCombs?

11 A. Yes.

12 Q. Mr. Brainard also had responsibilities
13 other than certifying mine maps for compliance with
14 health and safety requirements; is that correct?
15 He did tax maps?

16 A. Yes.

17 Q. Doing tax maps, was that a significant
18 part of his work?

19 A. I don't know.

20 Q. Was he regularly out of the office two
21 days a week doing work related to tax maps?

22 A. I don't know.

23 Q. Was he regularly out of the office a
24 couple of days a week?

1 A. He's in the other office, also.

2 Q. Which other office?

3 A. Like I said, we have a mining office, and
4 we have an environmental office. He's on that side
5 of the...

6 Q. Does he have an office in both buildings?

7 A. No.

8 Q. He has an office in your building?

9 A. He has in the environmental building, not
10 the mining.

11 Q. How many mine maps does your office
12 generate in a year?

13 A. I couldn't tell you that. I don't know.

14 Q. Let me represent to you that Mr. Brainard
15 indicated that, including copies, he certified
16 approximately 500 mine maps in a year. Does that
17 sound right to you, more or less?

18 A. I don't know.

19 Q. How many mine maps in a day would you work
20 on?

21 A. We usually do -- we have four crews,
22 usually two sections a day. It would be eight.

23 Q. Eight maps a day. Those aren't certified
24 by a PE?

1 A. No, that's daily extension.

2 Q. Who reviews those maps?

3 A. Engineers review them at the time of
4 sending them in.

5 Q. So you print them out, the engineers look
6 at them?

7 A. Yes.

8 Q. Did they ever say, well, there are errors
9 here?

10 A. No.

11 Q. So basically, when you put information
12 into the computer that you get from the mine, then
13 you print it out on your printer or plotter, the
14 engineers look at it and they send it in. I mean,
15 that becomes the --

16 A. They have a paper they go by. They
17 check -- they have a checklist. They check
18 everything.

19 Q. A three-page checklist?

20 A. Yes.

21 Q. How long does it take for the engineer to
22 go through that checklist?

23 A. I don't know.

24 Q. Do you have any sense of does it take two

1 weeks to go through --

2 A. I don't know.

3 Q. Have you ever seen an engineer do that?

4 A. Yes.

5 Q. Have you seen the checklist?

6 A. Yes.

7 Q. You've seen engineers use the checklist in
8 looking at a map. What do they do? Are there
9 boxes to check?

10 A. Yes.

11 Q. Is anything else on the form?

12 A. I don't know. I can't remember. I don't
13 know.

14 Q. So how long does it take to go through the
15 checklist?

16 A. I don't know that either.

17 Q. So is it fair to say that when you've seen
18 engineers in Route 3 Engineering going through the
19 checklist, that's just a matter of walking through
20 the room and seeing them working, or have you
21 actually worked with them a little bit?

22 A. Just walking through the room.

23 Q. Did you work with Donald Snodgrass at
24 Maben Engineering?

1 A. Yes.

2 Q. Or Energy, I should say.

3 A. Yes.

4 Q. What did he do at Maben Energy?

5 A. He started out as a rod man for me. Then
6 he become a transmit man himself.

7 Q. Did you teach him how to do surveying?

8 A. Yes.

9 Q. Did you give him anything to read about
10 surveying, anything to study?

11 A. On-the-job training.

12 Q. The same way you learned?

13 A. Yes.

14 Q. What about other surveyors? You have 12
15 surveyors that reported to you in the Route 3
16 Engineering office?

17 A. Yes, sir.

18 Q. Did they all just get -- I don't mean just
19 get, but was their training exclusively on-the-job
20 training?

21 A. Some we hire, I couldn't tell you their
22 backgrounds, how they got their experience.

23 Q. Who hires the surveyors?

24 A. Goes through the HR department.

1 Q. Human resources?

2 A. Yes.

3 Q. You don't have any licensed professional
4 surveyors at Route 3 Engineering?

5 A. That survey, no.

6 Q. Surveyors. How long does a training of a
7 new surveyor take at UBB, the on-the-job training?

8 A. Usually six months we have them.

9 Q. They follow -- they go with a crew that's
10 experienced?

11 A. Usually.

12 Q. So working a transit and a pole, and they
13 watch what they're doing?

14 A. Yes.

15 Q. Do they do anything else while they're in
16 training?

17 A. They work also.

18 Q. In what way?

19 A. The daily setting spads and doing the
20 take up, the offsets.

21 Q. Do you know anything about federal/state
22 regulatory requirements regarding mine maps?

23 A. No.

24 Q. Have you ever read state or federal

1 regulations regarding mine mapping requirements?

2 A. I have looked through the book. I have
3 looked through the book. To say I've read it
4 thoroughly, no.

5 Q. What book would that have been?

6 A. The federal laws.

7 Q. Do you know the difference between laws
8 and regulations?

9 A. I can't say that I do.

10 Q. When you say you looked through the book,
11 does that mean you just glanced through it? You
12 don't have any sort of recollection of any details?

13 A. Yes.

14 MR. MCGINLEY: I don't have any
15 other questions. Thank you, sir.

16 RE-EXAMINATION

17 BY MR. SHERER:

18 Q. A few follow-ups, if you don't mind,
19 Mr. Trent. When a section is going to turn,
20 particularly if they are going to go from advance
21 to retreat mining, how do you pick that up?

22 A. How do we pick up the retreat?

23 Q. Yeah, when the section stops advancing and
24 it starts retreating.

1 A. We put pluses on the tailgate and the
2 headgate when they do that, shows how far they are
3 backing. That's what we show on the map.

4 Q. How does a mine contact you and tell you
5 that they're going to turn a section around? Do
6 they do that?

7 A. Yes.

8 Q. Do you get the deepest point of
9 penetration on the survey?

10 A. What do you mean by deepest point?

11 Q. In other words, the furthest extent that
12 they mined up in that direction.

13 A. Yes.

14 Q. Were you aware of problems with water
15 behind the UBB longwall prior to the explosion?

16 A. No.

17 Q. Do you recall the last time you had to
18 enter and/or plot ventilation controls behind the
19 longwall, any changes prior to the explosion?

20 A. No, sir.

21 Q. Now, did you do any revisions to the UBB
22 map after the explosion?

23 A. No, sir.

24 Q. Are you aware of anybody else that did?

1 A. No, sir.

2 MR. SHERER: Thank you. That's
3 all the questions I have got.

4 RE-EXAMINATION

5 BY MR. MCGINLEY:

6 Q. I have got a couple of follow-ups. With
7 regard to the plotting ventilation changes in the
8 longwall, you don't remember when that was last
9 done, correct?

10 A. Yes, sir.

11 Q. But would you have records to reflect
12 that, the maps and the computer files that would
13 reflect when those changes were made?

14 A. The last ones we got -- like I said, I
15 file everything.

16 Q. Right.

17 A. Every map, I file. If we get one, I file
18 it when I get it.

19 Q. So if we wanted to look to see when
20 changes were made, ventilation changes were made at
21 UBB, we need only look at the files you have?

22 A. I wouldn't have anything on revision where
23 they've changed, made revisions. The daily is what
24 I have, which the surveyors bring to me.

1 Q. Where would the major revisions to the
2 ventilation plan, where would they be in the files
3 in your office?

4 A. They have a file called ventilation
5 revision, but that's the engineer's job.

6 Q. But those files are kept in the same way
7 you keep the daily ventilation change?

8 A. It's on the computer, the ventilation
9 revisions.

10 Q. So those involved in the investigation
11 could look at those computer files and determine
12 when those changes were made?

13 A. Yes.

14 Q. At Route 3 Engineering, do you place on
15 the mine map, the six-month mine map, places where
16 preshift and on-shift and weekly air readings are
17 to be taken?

18 A. I don't do it.

19 Q. Do those appear on the maps?

20 A. They have a ventilation map that shows the
21 air readings.

22 Q. The places where these readings are
23 supposed to be taken by the fire boss and foreman?

24 A. Yes.

1 Q. Who does that in terms of placing those?

2 A. The engineer.

3 Q. For UBB, that would be?

4 A. Eric Lilly at the time.

5 Q. Could it also be Matt Walker?

6 A. Yes.

7 MR. MCGINLEY: I don't have any
8 other questions. Thank you.

9 MR. KOERBER: Mr. Trent, at the
10 end of all the interviews, there may be a
11 need to recall certain individuals, and
12 whether or not you would be one of those
13 people, I do not know. But I just want
14 you to be aware that that potential
15 exists.

16 I'd also like to offer you at
17 this point in time the opportunity to say
18 anything that you would like to do, any
19 type of statement you'd like to make to
20 the panel, any comments you may have,
21 anything you'd like to clarify. If
22 there's something that you believe the
23 panel should know that you thought would
24 come out during the questioning and

1 hasn't, now is the time for you to speak.

2 THE WITNESS: I have nothing.

3 MR. KOERBER: At this point we

4 can go off the record.

5 (The interview of KEITH TRENT

6 concluded at 1:53 p.m.)

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1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and
3 Certified Court Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of KEITH TRENT
6 was duly taken by me and before me at the time and
7 place specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed
15 by, any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 8th day of
September 2018.

21 Given under my hand and seal this 2nd day
22 of November 2010.

22

23

24

Lisa Marie Short
CCR
Notary Public