EXHIBIT 24

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PERFORMANCE COAL COMPANY and ALLEN GUTHRIE & THOMAS, PLLC, Plaintiffs, v. U.S. DEPARTMENT OF LABOR and MINE SAFETY AND HEALTH ADMINISTRATION, Defendants.	Civil Action No. 1:10-cv-01698-RJL

DECLARATION OF WILLIAM LOWELL "BILL" ROSS

Bill Ross, pursuant to 28 U.S.C. § 1746, submits the following declaration:

1. I am over eighteen (18) years of age, am competent to make this Declaration and, except where explicitly stated otherwise, have personal knowledge of the facts below. I would testify truthfully to the facts and opinions set forth herein if called upon to do so.

2. I was employed by Massey Coal Services ("Massey") as Manager of Technical Services, a position I have held continuously since April 2008 until Friday, June 3, 2011, when the acquisition/merger by Alpha Natural Resources took place.

3. On April 5, 2010, an explosion at Performance's Upper Big Branch mine took the lives of 29 of my co-workers. Immediately following the accident, I was heavily involved with the rescue and recovery efforts at Upper Big Branch. The Upper Big Branch mine falls under the supervision of MSHA Coal Mine Safety and Health District 4 ("District 4").

4. In my former position, with Massey, I frequently acted as a liaison between the mine operators (*e.g.*, Performance Coal Company) and MSHA. I was in frequent contact with

representatives from MSHA District 4, the district that has oversight of mines in southern West Virginia. This contact takes many forms, including in-person, by telephone, or by electronic mail.

5. Prior to my employment with Massey Coal Services, I worked for MSHA, an agency of the United States Department of Labor ("DOL"), for over thirty years. At the time of my departure from MSHA in April 2008, I was the agency's ventilation supervisor for District 4, a position I held since December 2003. My office was located in Mt. Hope, West Virginia.

6. My duties and responsibilities at MSHA included reviewing and making recommendations with regard to ventilation plans submitted by underground coal mine operators; working closely with mine operators to create safe and effective ventilation plans; adhering to the policies and procedures of MSHA with respect to ventilation; adhering to the policies and procedures of MSHA with respect to document creation and retention; participating in ventilation presentations and seminars for supervisors and specialists at the MSHA Academy. My experience with the ventilation of underground coal mines includes both "room and pillar" mining sections and longwall mining sections.

7. My education included: GED, Radioman's school U.S. Navy, Several MSHA, State certification in: Mine foreman, section boss, shot firer, belt exam, repair dust calibration and maintenance

8. Performance's Upper Big Branch mine was within my area of supervision during my time as MSHA's District 4 ventilation supervisor. As a result, I became very familiar with the mine and, specifically, its ventilation. I worked extensively on, among other things, the mine's ventilations plans and the methane and dust control plans. I developed some knowledge of the documents created by both Performance and MSHA with respect to the Upper Big Branch mine. I also developed some knowledge of the documents maintained by MSHA with respect to the Upper Big Branch mine. I have some knowledge of documents pertaining to Upper Big Branch mine includes

those related to floor bursts at the mine in 2003 and 2004, including those that related to MSHA investigation into these incidents.

9. I have extensive experience with and some personal knowledge of MSHA documents, policies, and procedures.

10. It is my current understanding that MSHA's document retention policies requires that documents be kept at Mt. Hope in a file room for five (5) years. After five (5) years, these documents would be sent to an archive or a repository in Philadelphia, PA. There the documents would be micro fiched and stored permanently in archives, as far as I know.

11. During my tenure with MSHA I regularly preserved important documents beyond the period set forth by MSHA because they could prove critical to the health and safety of miners. Many of these documents remained in files at MSHA's Mt. Hope offices. Upon my departure in 2008. There were a number of documents in this collection of saved material that related to Upper Big Branch mine, including maps, ventilation plans, methane and dust control plans, internal MSHA documents and correspondence. There were also documents related to the floor bursts at the Upper Big Branch mine in 2003 and 2004, including those that related to MSHA investigation into the incidents. Upon my departure from the agency, there should have been a significant number of critical documents related to Upper Big Branch mine that had been preserved in MSHA's files.

12. Joseph Mackowiak took over as MSHA's ventilation supervisor for District 4 upon my departure in 2008. It is a position Mr. Mackowiak continues to hold. As was true during my time with MSHA, Mr. Mackowiak supervised and the ventilation at Performance's Upper Big Branch mine on behalf of MSHA.

13. In the wake of the April 5, 2010 accident at Upper Big Branch mine, the mine's ventilation has been the subject of scrutiny, including the role that MSHA District 4 played in the design, approval, and implementation of the ventilation plan at Upper Big Branch mine.

14. During my tenure as MSHA's ventilation supervisor for District 4, Doris Chambers was my secretary. Mrs. Chambers and I worked closely for about six (6) years. During our time working together, Mrs. Chambers exhibited a strong understanding of the mines supervised by District 4 and the general types of documents involved in the supervision of a mine's ventilation. As my secretary, Mrs. Chambers became familiar with specific documents that were submitted by various mine operators, including Performance, as well as documents generated by me. I believe Mrs. Chambers' familiarity with documents was mainly general in that she knew the MSHA policies and procedures with the documents we routinely used. I do not know if she had intimate knowledge or recollection of the specific contents of documents related to any specific mine.

15. Since leaving MSHA, I have spoken with Ms. Chambers on a number of occasions.

16. In June and July 2010, I travelled to MSHA's facility in Mt. Hope, West Virginia on multiple occasions for meetings with Mr. Mackowiak. The main topic of discussion was the ventilation plan for the longwall at Revolution mine, which is owned and operated by Independence Coal Company, Inc. ("Independence"), a subsidiary of Massey. Accompanying me at a couple of these meetings was, among others, Phillip Ellis, the Vice President of Independence.

17. During one such trip to Mt. Hope to meet with Mr. Mackowiak, Mr. Ellis and I had an opportunity to speak with Mrs. Chambers, my former secretary. During our conversation the topic of the accident at the Upper Big Branch mine came up. I inquired about an MSHA report from 2004 about a floor burst at Upper Big Branch mine that I was familiar with from my time working at MSHA. This inquiry prompted Mrs. Chambers to say that Mr. Mackowiak had destroyed a significant amount of documents within his control at MSHA. Mrs. Chambers specifically recalled Mr. Mackowiak walking out of the Mt. Hope facility carrying trash bags filled with documents. Mrs. Chambers made it clear that Mr. Mackowiak's document destruction and actions from the file room

and map room were questionable, at best. She told me that a lot of the documents we saved were gone.

18. Mrs. Chambers did not specify the date of Mr. Mackowiak's document removal or destruction; however the conversation I had with her occurred after the April 5, 2010 accident at Upper Big Branch mine. My knowledge of MSHA records and record keeping—both generally and with respect to those related to Upper Big Branch mine—and my experience at MSHA supervising the ventilation of underground coal mines in southern West Virginia, leads me to believe if what Mrs. Chambers said was true, Mr. Mackowiak's document removal and/or destruction was improper and highly suspicious. In fairness, I am reluctant to say more because I did not see any documents removed by Mr. Mackowiak. Mrs. Chambers was not specific about to what she was referring in our conversation.

19. As ventilation supervisor for District 4, I communicated by telephone conference or in person and possibly by email with other MSHA employees about Performance's mine plan submissions, approvals, and denials.

20. As Massey's Manager of Technical Services, I communicated via email with MSHA about Performance's mine plan submissions, approvals, and denials.

21. As ventilation supervisor for District 4, I communicated by telephone or in person and possibly by email with other MSHA employees about bottle samples taken at Performance's Upper Big Branch mine.

22. While I was ventilation supervisor for District 4, I communicated by telephone, in person and possibly by email with Performance about the methane outbursts at Performance's Upper Big Branch Mine on February 18, 2004. On July 3, 2003 I possibly was acting supervisor.

23. While employed by MSHA, I communicated by telephone, in person and possibly by email with other MSHA employees about the methane ignition at Performance's Upper Big Branch Mine on January 4, 1997.

24. While employed by MSHA, I communicated by telephone, in person and possibly by email with Performance about the methane ignition at Performance's Upper Big Branch Mine on January 4, 1997.

25. Both as a former MSHA employee and as a former employee of Massey Coal Services, I have personal knowledge that MSHA would have taken and would currently possess photographs and records related to rock dusting and bottle samples at Performance's Upper Big Branch Mine, but cannot attest to how they were kept. This would be up to the District Manager.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 8, 2011.

William Lowell Ross

William Lowell "Bill" Ross

STATE OF WEST VIRGINIA

COUNTY OF MERCER, to-wit:

Before me, a Notary Public, in and for the county and state aforesaid personally appeared Bill Ross who personally acknowledged that he signed the foregoing document dated the ___ day of June, 2011.

Given under my hand and seal this the 9 day of June, 2011.

My commission expires: January 17, 2021.

NOTARY PUBLIC: Patricia Perry

(SEAL)

OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
Patricia Perry
P.O. Box 920
Craigsville, WV 26205
My Commission Expires Jan. 17, 2021