

MINUTES
BOARD OF COAL MINE SAFETY
Bureau of Mine Safety Training Facility
June 26, 2013 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,
alternate for Chairman Christopher Abruzzo, Acting DEP Secretary
John Gallick, AlphaNatural Resources
Stan Popich, Rosebud Mining Company
Mike Sinozich, ConsolENERGY
Ron Bowersox, U.M.W.A
James Sabella, U.M.W.A.

OTHERS PRESENT

Joseph Sbaffoni, Director, DEP, Bureau of Mine Safety
Michele Tate, DEP, Policy Office
Susana Cortina, DEP, Office of Chief Counsel
Robert Reiley, DEP, Office of Chief Counsel
Josie Gaskey, Pennsylvania Coal Alliance
Jake Wells, Rosebud Mining Co.
Chris O'Neil, Consol Energy
Craig Carson, DEP, Bureau of Mine Safety
Jeffrey Kerch, DEP, Bureau of Mine Safety
Arthur Brower, DEP Bureau of Mine Safety
Jeffrey Stancheck, DEP Bureau of Mine Safety
Allison Gaida, DEP, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES:

Deputy Secretary for Active and Abandoned Mine Operations John Stefanko served as Chairman in Acting Secretary Abruzzo's absence. Acting Chairman Stefanko called the meeting to order at 10:10 a.m. in the DEP Bureau of Mine Safety Mine Rescue and Training Facility in Ebensburg. Board member Frank Reidelbach was unable to attend. Acting Chairman Stefanko asked all Board members and meeting attendees to introduce themselves.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business, which was consideration of the March 26, 2013, meeting minutes.

Jim Sabella moved to adopt the minutes as presented to the Board.
Stan Popich seconded the motion, which was unanimously approved by the Board.

REGULATORY UPDATE: PROPOSED REGULATIONS FOR MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST:

Acting Chairman Stefanko asked Michele Tate to provide an update to the Board concerning the status of the proposed rulemaking. She noted that the Board approved the proposal at its March 26, 2013, meeting, and that it was published in the *Pennsylvania Bulletin* on May 11, 2013, where a 30-day public comment period was advertised. One comment was received on the proposal from the United Mine Workers of America (UMWA), who expressed their support of the rulemaking and the additional safety measures it would provide to protect underground coal miners. She further noted that after the conclusion of the public comment period, the Independent Regulatory Review Commission (IRRC) has 30 days to provide comments to the Board on the proposal and stated that IRRC's deadline to provide comments is July 10, 2013. She noted that depending upon the nature of comments submitted by IRRC on the rulemaking, a final rulemaking could be prepared for the Board's consideration at its September 17, 2013, meeting. Michele Tate also noted that once the final rulemaking is adopted by the Board, the next step in the regulatory review process is to submit the rulemaking again to the Standing Committees and IRRC for final action. IRRC's review would include review of the rulemaking at a public meeting of the Commission in Harrisburg, where a member of the Board would accompany DEP staff in order to answer any questions of the Commissioners on the rulemaking. Acting Chairman Stefanko stated that the Board members would be notified when the meeting with IRRC is scheduled so the Board can decide which member should attend the meeting.

PROPOSED REGULATIONS – REQUIREMENTS FOR HIGH-VOLTAGE CONTINUOUS MINING MACHINES:

Acting Chairman Stefanko asked Board members if they had any questions or comments on the proposed rulemaking prepared by the Department. The Board did not pose any questions about the rulemaking.

Ron Bowersox made a motion to adopt the proposed regulations with a 30-day public comment period. Mike Sinozich seconded this motion, which passed unanimously by the Board.

DRAFT REGULATIONS: BCMSA, SECTION 106.4, STANDARDS FOR SURFACE FACILITIES:

Acting Chairman Stefanko asked the Board if they had any questions regarding the materials prepared by the Department to assist the Board in its review of the draft Section 106.4 Standards for Surface Facilities proposed regulations that had been tabled at the last meeting. Acting Chairman Stefanko explained to the Board how the materials were developed and emphasized that it is the Board's discretion what provisions relating to surface activities at underground coal mining sites are included in the proposed rulemaking. Ron Bowersox questioned whether the Department's authority to approve shaft and slope provisions had been eliminated in the draft proposed regulations and noted that he would have a problem if such authority is provided under existing requirements but is eliminated in the proposed rulemaking.

Mr. Bowersox suggested a subcommittee consisting of members representing labor, management and the Department be formed to more closely examine the provisions that should be included in a proposed rulemaking concerning standards for surface facilities. In response to the suggestion, John Gallick requested a short recess of the meeting. Once the Board reconvened, the following motion was made:

Ron Bowersox made a motion that a subcommittee be formed comprising labor, management, and the Department, as well as any support staff needed, to develop a proposed rulemaking concerning Standards for Surface Facilities. John Gallick seconded this motion, which was unanimously approved by the Board.

Acting Chairman Stefanko informed the Board that the Department will coordinate scheduling the subcommittee meetings. It was also discussed that the Board would identify appropriate members to serve on the subcommittee and would meet prior to the next Board meeting.

FINALIZATION AND FUTURE STEPS FOR PCA CABLE STUDY:

In response to the Board's direction at the March 26, 2013, meeting, Acting Chairman Stefanko noted to the Board that he sent a letter, dated May 17, 2013, to Mach Mining in Illinois to solicit information about the company's experience in using shielded cables. Despite the letter and phone calls to the company, Acting Chairman Stefanko stated that he was unable to discuss the Board's request for information with the company. Jeffrey Kerch from the Department's Bureau of Mine Safety reported to the Board that he had spoken with a mine electrician - Norman Quertermous - who works at Mach Mining. Based on his conversation with Mr. Quertermous, Jeffrey learned that Mach Mining operates two continuous mining units and one longwall unit. At all units, Mach Mining uses shielded cables with 995 volt bolters to operate all shuttle cars. He also noted that shielded cables are used in all face equipment. Mach Mining noted that they use a type #2 conductor G-GC shielded cable with a Thermoplastic Polyurethane (TPU) outer jacket and have had no problems with cables splicing or deteriorating.

At the conclusion of Board conversation, Acting Chairman Stefanko noted the importance of finalizing the Cable Study, as it is an outstanding commitment of the Board under the Bituminous Coal Mine Safety Act (BCMSA). Ron Bowersox noted his agreement and emphasized that the Act was passed 4 years ago and that finalizing the study should be a priority for the Board.

John Gallick made a motion to accept the PCA cable study as presented to the Board. Ron Bowersox seconded motion, which was unanimously approved by the Board.

Ron Bowersox emphasized the need for the Board to develop a regulation that addresses cable safety. Acting Chairman Stefanko asked the Board if such a regulation would be the next rulemaking the Board would want to work on. Mike Sinozich noted that there are a lot of unknowns about the use of shielded cables and that he has information that is contrary to what Jeffrey Kerch shared at today's meeting.

Ron Bowersox made a motion for the Board to develop a performance-based proposed regulation concerning cable safety. Jim Sabella seconded the motion, which passed unanimously by the Board.

In order to make progress regarding the development of a proposed regulation on cable safety, Acting Chairman Stefanko suggested that the Department develop a draft Annex for the Board's consideration at the next Board meeting. Because any such rulemaking would be highly technical in nature, Bureau of Mine Safety Director Joe Scaffoni suggested that the Board consult with the Department's already existing Task Force, which was formed under the BCSMA to develop performance-based specifications. He noted that the Task Force could assist Department staff in developing the technical aspects of the proposed rulemaking. Joe Scaffoni stated that the PCA Task Force is comprised of Jeffery Kerch and Arthur Brower from the Department's Bureau of Mine Safety, Joseph Somogyi from Rosebud Mining Company and Chris O'Neil from Consol Energy. Jeffery Kerch informed the Board that the next Task Force meeting is scheduled at the end of July. Acting Chairman Stefanko noted to the Board that if sufficient information was obtained from the Task Force, the Department would develop a draft Annex for discussion at the Board's next meeting. If such an Annex was developed, Acting Chairman Stefanko noted that it would be distributed to the Board at least 2 weeks in advance of the next Board meeting.

Ron Bowersox made a motion to direct the Department to develop an Annex for a regulation on performance-based cable safety requirements. John Gallick seconded the motion, which was unanimously approved by the Board.

OTHER BUSINESS:

No other business was brought up by the Board.

PUBLIC COMMENTS:

Ron Bowersox stated that he was absent from the March 26, 2013, Board meeting due to the Blacksville #2 mine fire. He noted his appreciation of the mine rescue teams, especially their hard work and dedication during mine fires and disasters. Acting Chairman Stefanko agreed and thanked Ron for his comments.

ADJOURNMENT:

With no further business to discuss,

Mike Sinozich made a motion to adjourn the meeting. Ron Bowersox seconded this motion, which was unanimously approved by the Board.

The Board adjourned at 11:05 a.m. The next Board meeting is scheduled for September 17, 2013, at 10:00 a.m. at the DEP Bureau of Mine Safety Building in Ebensburg.