

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
March 11, 2014 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,
Alternate for Chairman Christopher Abruzzo, DEP Secretary
John Gallick, PCA, AlphaNatural Resources
Stan Popich, PCA, Rosebud Mining Company
Mike Sinozich, PCA, Consol Energy
Ron Bowersox, U.M.W.A.
Frank Reidelbach, U.M.W.A.
James Sabella, U.M.W.A.

OTHERS PRESENT

Joseph Sbaffoni, Director, DEP, Bureau of Mine Safety
Laura Edinger, DEP Policy Office
Robert Reiley, DEP, Office of Chief Counsel
A. J. Jenkins, DEP, Office of Chief Counsel
Hayley Book, DEP Policy Office
Jake Wells, Rosebud Mining Co.
Jim Lamont, UMWA
Arthur Wolfson, Jackson Kelly
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:

Acting Chairman John Stefanko, DEP Deputy Secretary for Active and Abandoned Mine Operations called the meeting to order at 10:05 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. He explained that Michele Tate had taken another position with the Citizens Advisory Council and introduced Laura Edinger from the Policy Office as her replacement. He asked all Board members and meeting attendees to introduce themselves. Acting Chairman Stefanko relayed Secretary Abruzzo's regrets for not attending due to a last-minute obligation and stated he has every intention of attending the next Board meeting.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business, which was approval of the September 17, 2013, meeting minutes.

Ron Bowersox moved to adopt the minutes as presented to the Board. Mike Sinozich seconded the motion, which was unanimously approved by the Board.

UPDATE ON FINAL RULEMAKING: MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST:

Ron Bowersox questioned whether the Independent Regulatory Review Committee (IRRC) had held a meeting on Maintenance of Incombustible Content of Rock Dust. Acting Chairman Stefanko explained that the IRRC had held a meeting on November 7, 2013, but had notified DEP prior to the meeting that the regulation was approved without needing a presentation by DEP. He stated that DEP was present for that meeting but sat in the audience. Acting Chairman Stefanko assured the Board that, in the future, they would be notified regardless of whether attendance was requested or not. The final rulemaking was published in the *Pennsylvania Bulletin* on December 14, 2013, and will now be distributed to the industry.

FINAL RULEMAKING: REQUIREMENTS FOR HIGH-VOLTAGE CONTINUOUS MINING MACHINES:

Acting Chairman Stefanko provided an update to the Board on the final rulemaking for Requirements for High-Voltage Continuous Mining Machines. The regulations were reviewed by IRRC with no comments. Unless the Board makes substantial changes to these regulations, Acting Chairman Stefanko believes it will be handled the same as the rock dust regulations. The Board will be notified when the IRRC meeting will be held.

Stan Popich commented on page 3, Article 14, in the Regulatory Analysis Form (RAF) pertaining to the accuracy of the statement regarding the Board determining that the rulemaking would only apply to the current eight underground bituminous mining companies operating in Pennsylvania, employing more than 500 persons. He believes this to be incorrect as the Board did not make that determination. Stan Popich stated that he knew of three operators with less than 500 employees. After a brief discussion, John Gallick requested that the minutes reflect that this be verified for accuracy with future regulations. Acting Chairman Stefanko noted that, moving forward, DEP will verify that the small business information in the RAF (question #14) is accurate.

Ron Bowersox questioned the meaning of question #14 in the regulatory analysis, and Acting Chairman Stefanko explained that any regulations within DEP are required to show how that regulation would impact small business, showing we are not penalizing a small business. All mines, large and small, must comply with safety laws and regulations. The size of a mine is not a factor concerning safety compliance.

Stan Popich made a motion to adopt the Requirements for High-Voltage Continuous Mining Machines final regulations. Frank Reidelbach seconded the motion, which passed unanimously by the Board.

**SUBCOMMITTEE REPORT – DRAFT ANNEX DISCUSSION, DRAFT
REGULATION: STANDARDS FOR SURFACE FACILITIES BCMSA, SECTION
106.4 SUBCOMMITTEE REPORT:**

Acting Chairman Stefanko provided an update to the Board on the Surface Regulations Subcommittee meeting which was held on October 17, 2013. Members of the subcommittee present at the meeting were Acting Chairman Stefanko, Stan Popich, and Ron Bowersox. During that meeting, subcommittee members worked through a number of items to get to the point where a draft Annex could be developed and presented to the Board. Some items were identified to be discussed by the Board at this meeting. Acting Chairman Stefanko asked if the Board wanted to review each item or only the specific items identified to be brought before the Board. John Gallick suggested going directly to the issues the subcommittee had identified for Board discussion.

The following items in the draft Annex were discussed:

Page 2 - *Trailing cable*: Acting Chairman Stefanko explained that this is a starting point which needs to be defined by the Board. He asked if the language, which is the definition from MSHA, is acceptable to the Board as written. The Board agreed on that definition.

Page 10 - *Trailing cables*: Acting Chairman Stefanko asked if the Board wants to adopt as written or change. John Gallick identified a typo needing correction -- references to 30 CFR 75 should be 30 CFR 77. Ron Bowersox wanted to make sure that nothing was being left out of what the Bureau was already enforcing. Acting Chairman Stefanko explained that he will assure that everything is covered. There were no further comments from the Board on trailing cables.

Page 18 – *Ground Control*: Acting Chairman Stefanko asked if the Board wants to include it or not, or include w/modifications. The Board agreed to leave this in and incorporate by reference.

Page 21 – *Maps*: The Board agreed to leave this in and incorporate by reference. Corrections should be made to change 30 CFR 75 to 30 CFR 77. Stan Popich brought up that 30 CFR 77 relates to surface areas of underground coal mines.

Page 7 – *Safeguards for Mechanical Equipment*: Mobile equipment: rollover protective structures (ROPS) 77.403.1(a). There were no further comments from the Board on this.

Page 24 – *Miscellaneous* – Distinctively colored hard hats or hard caps. 77.1710-1 was to be modified if an employee moves from underground with more than a year's experience. John Gallick requested that the minutes reflect that one year experience is either underground or surface. The Board agreed to leave this in with the time clarification notation.

Based on subcommittee minutes and Acting Chairman Stefanko's comparison with the draft Annex, everything was covered.

Acting Chairman Stefanko asked if there were any further comments or concerns. With none stated, Acting Chairman Stefanko noted that the DEP will provide a final draft Annex for surface regulations to the Board for its consideration at the next meeting. The draft Annex will be provided to the Board at least two weeks in advance.

No motion was necessary.

UPDATE/DISCUSSION ON DRAFT REGULATIONS; PERFORMANCE-BASED CABLE SAFETY REQUIREMENTS:

Acting Chairman John Stefanko said that it was his understanding from the September 17, 2013, meeting that PCA would develop a draft regulation and provide to UMWA members so that it could be presented to the Board for consideration to move forward. A meeting had been scheduled and was subsequently cancelled. Something has been developed by PCA and now needs to be reviewed by UMWA and discussed. There was a question as to whether that meeting was required to be 'sunshined' or not. Legal Counsel Robert 'Bo' Reiley said that, if a quorum existed for the meeting (five or more members), it would need to be sunshined. However, if four Board members attend, it does not.

Two Board members from PCA and two Board members from UMWA will meet to discuss and prepare a proposal to present to the Board at the next meeting. The draft proposal will be distributed to the entire Board a minimum of two weeks prior to the next meeting.

OTHER BUSINESS:

No other business was brought up by the Board.

PUBLIC COMMENTS:

Acting Chairman John Stefanko asked the public for comments. No public comments were brought forward.

ADJOURNMENT:

With no further business to discuss,

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

The Board adjourned at 10:57 a.m. The next Board meeting is scheduled for June 10, 2014, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.