

Executive Summary
Standards for Surface Facilities
25 Pa. Code Chapter 208

Purpose of the Proposed Rulemaking

Currently in Pennsylvania, safety practices and procedures at the surface areas of underground bituminous coal mines are mainly implemented pursuant to federal Mine Safety and Health Administration (MSHA) regulations. As such, there is no state basis for enforcing many of the safety practices and procedures with which underground bituminous coal mining companies must comply. This rulemaking has been proposed to address this gap in the state regulatory scheme and will implement many of the federal regulations in 30 CFR Part 77, thereby making the federal regulations being implemented independently enforceable by the Commonwealth.

More specifically, this proposed rulemaking will implement existing federal regulations relative to surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. These rules and standards ensure that the surface areas of underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents, injuries, and property loss. Such regulations benefit persons in and about mine sites and mine operators.

Summary of Final Rulemaking

The Board of Coal Mine Safety (Board) proposes to add regulatory provisions to Chapter 208. These proposed additions include §§ 208.101 – 208.412 (relating to Standards for surface facilities) as well as the definitions of “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable” to read as set forth in Annex A. This rulemaking proposes to implement existing federal regulations, thereby making them independently enforceable by the Commonwealth.

Affected Parties

There are nine operators of underground bituminous coal mines in Pennsylvania that will be subject to this proposed rulemaking, and three of those operators are small businesses. However, the proposed rulemaking is not expected to affect the nine operators because the rulemaking only proposes to implement existing federal regulations with which the operators must already comply.

Advisory Groups

The development and drafting of this proposed rulemaking was aided by input from the Board which received recommendations and advice on the rulemaking from its constituents. The Board is chaired by the Secretary of the Department of Environmental Protection and consists of three members representing the interests of mine workers and three members representing the interests of underground bituminous coal mine operators.