

MINUTES
BOARD OF COAL MINE SAFETY
April 8, 2010 - Uniontown, Pa.

BOARD MEMBERS

John Hanger, Chairman, DEP Secretary
Ron Bowersox, United Mine Workers of America
James Sabella, United Mine Workers of America
Frank Reidelbach, United Mine Workers of America
Albert Aloia, CONSOL Energy, Inc.
Stanko Popich, TJS Mining, Inc.

OTHERS PRESENT

J. Scott Roberts, Deputy Secretary, Mineral Resources Management
Joseph Sbaffoni, Director, Bureau of Mine Safety
Daniel Lapato, Executive Policy Specialist, Policy Office
Mary Lou Barton, Attorney, Office of Chief Counsel
Todd Moore, CONSOL Energy, Inc.
Hank Moore, PCA Attorney
Allison Gaida, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman John Hanger called the meeting to order at 10:07 a.m. in the Bureau of Mine Safety conference room, Fayette County Health Center, 100 New Salem Road, Uniontown, Pa. All members of the Board except John Gallick were present.

Before beginning the formal meeting, Chairman Hanger asked Bureau of Mine Safety Director Joe Sbaffoni to provide an update of the mine rescue efforts in West Virginia. At Jim Sabella's request, all present paused for a moment of silence for the miners and families in West Virginia.

The Board considered its first item of business – approval of the March 17, 2010, meeting minutes. Chairman Hanger called for a motion to adopt the minutes of the March 17, 2010, meeting.

Ron Bowersox moved to adopt the minutes. Stan Popich seconded the motion, which was unanimously approved by the Board.

OLD BUSINESS

Act on Proposed Rulemaking adopting MINER Act Regulations:

The Chairman would like to get the proposed regulations out for public comment. He explained that it does not mean that the Board supports every word, or that it is final and cannot be

changed. Comments will come back to the Board and the Board has every right to vote 'no' or insist on a change.

After some discussion, it was agreed that the preamble would include wording to identify specific issues that the Board would like the public to specifically comment on.

The issues to be identified in the preamble for comments are:

208.11 - Seals

208.12 – Sampling and monitoring requirements

208.15(b) – Seal Records, *Access to records*

208.21 – Escapeways

208.32(b) – Maintenance of belt conveyors and belt conveyor entries, *Inspections*

208.41(b) – Emergency evacuation, *Individual located on the surface*

During a short recess, Legal Counsel Mary Lou Barton revised the preamble to include wording recognizing this request. Once the Board reviewed, a motion was made as follows:

The Mine Safety Board directs the Department to move forward with the proposed rulemaking (25 Pa. Code Chapter 208) as circulated with the addition of three sentences drafted at the April 8 meeting and included in the Preamble; and with the addition of the word 'principally' in the second to last sentence and the addition of 'standard/' in the last sentence. The Board further directs that the public be provided with a 60-day comment period. The motion was made by Ron Bowersox and seconded by Stan Popich. All were in favor and the motion passed unanimously.

In light of what is going on in WV at the present time, and because the Board has done nothing on refuge shelters, communications, or tracking, Ron Bowersox suggested the Board move to promulgate regulations on these items. Albert Aloia again brought up the suggestion of having the federal regulations go out for comment first.

The Board made a motion to direct the Department to prepare a proposed rulemaking that would (a) adopt the federal provisions on shelters, communication, and tracking and (b) identify any changes to those provisions that the Department would suggest and any provisions where further public comments are recommended. Those issues would be highlighted in the preamble for the public to comment on. The motion was made by Ron Bowersox and seconded by Albert Aloia. With no further discussion and all in favor, the motion passed by the Board unanimously.

NEW BUSINESS:

Next agenda items will include the proposed rulemaking adopting provisions on refuge shelters, communication, and tracking; AEDs; and accident reporting.

Due to a scheduling conflict, the Board agreed to change the next meeting date from June 16 to June 23 at the Fayette County Health Center in Uniontown. All were in agreement with this change.

ADJOURNMENT:

With no further business to discuss, Chairman Hanger called for a motion to adjourn the meeting.

Albert Aloia moved to adjourn the meeting. Frank Reidelbach seconded this motion.

The official meeting adjourned at 11:34 a.m.