

MINUTES
BOARD OF COAL MINE SAFETY
March 17, 2010 - Uniontown, PA

BOARD MEMBERS

J. Scott Roberts, Deputy Secretary, Mineral Resources Management, Alternate for Chairman,
DEP Secretary John Hanger
Ron Bowersox, United Mine Workers of America
James Sabella, United Mine Workers of America
John Gallick, Alpha Natural Resources,
Frank Reidelbach, United Mine Workers of America
Albert Aloia, CONSOL Energy, Inc.
Stanko Popich, TJS Mining, Inc.

OTHERS PRESENT

Joseph Scaffoni, 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.
George Ellis, Pennsylvania Coal Association
John Burr, CONSOL Energy, Inc.
Allison Gaida, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES

Scott Roberts, alternate for Chairman John Hanger, called the meeting to order at 10:09 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 were present.

The Board considered its first item of business – approval of the January 27, 2010, meeting minutes. Scott Roberts called for a motion to adopt the minutes of the January 27, 2010, meeting.

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

OLD BUSINESS

Petition Process for Accepting Requests for Rulemaking from the Public or Board Members:

A draft copy had been provided to the Board members prior to the meeting. Albert Aloia discussed proposed revisions to the draft. Dan Lapato also distributed a copy of the Petition Form. After some discussion and clarification on some of the edits, the draft was updated and presented to the Board during the meeting.

A motion was made by Albert Aloia to accept the proposed petition process with a redraft date of March 17, 2010. The motion was seconded by Frank Reidelbach and unanimously approved by the Board.

Proposed Rulemaking Adopting MINER Act Regulations:

As stated at the last meeting, DEP provided the Board with revisions to the Preamble, Annex A, and Executive Summary prior to this meeting.

Scott Roberts opened the floor for discussion. John Gallick asked the Board to consider another option to propose rulemaking starting with the federal regulations and then receiving comments by asking specific questions of factual issues based on Section 106.1(e). A lengthy discussion took place on the consideration of this process, the progress of the Board, and the proposed regulations that have already been drafted and on the table at this meeting. Scott stated that he saw this as good direction for future rulemaking, but would like to see the proposal on the table move forward rather than going back to square one. More discussion took place.

A motion was made by John Gallick to table the draft proposed regulations (25 PA Code Chapter 208). The motion was seconded by Stan Popich. Those in favor of the vote were Albert Aloia, John Gallick, and Stanko Popich. Ron Bowersox, Jim Sabella, Frank Reidelbach, and Stott Roberts were against the motion. (Note: This motion was then retracted after a recess).

At the Board's request, at 11:48 a.m. Scott Roberts called a recess, holding the last vote in abeyance. The Board reconvened at 12:05 p.m.

The prior motion was retracted when the Board reconvened and a new motion was presented.

John Gallick made a motion to schedule a Board meeting as soon as practical to work through language proposed in the draft that is different than corresponding federal regulations. The motion was seconded by Ron Bowersox. With no further discussion and all Board members in favor, the motion was unanimously approved by the Board.

Promulgate Regulations on Automated External Defibrillators (AEDs) in Bituminous Coal Mines:

Scott Roberts made a motion that petition process be suspended to address these issues already on the agenda. John Gallick seconded this motion.

Stan Popich informed the Board that he received good feedback from the small mining companies he contacted on the draft rule for AEDs. The Board agreed that all guidelines were sufficient with the exception of additional wording in provision #2 to state "including preparation plants connected with bituminous underground mines."

A motion was made for the Board to direct the Department to develop a draft proposed rule providing for the deployment of AEDs in Pennsylvania bituminous coal mines using language presented at the last meeting and modified today including an effective date 6 months after the date the rule becomes effective. The motion was seconded by Ron Bowersox and unanimously approved by the Board.

Promulgate Regulations on Reportable Accidents:

Scott Roberts briefed the Board on the litigation issue regarding reportable accidents.

A motion was made by John Gallick for the Board to direct the Department to develop a draft proposed regulation for the Board to consider at a future meeting. The motion was seconded by Stan Popich and all were in favor. The motion passed unanimously.

PCA Cable Report:

John Burr updated the Board on the PCA study of shielded cables. To date, four cables have been tested; the fifth is due for delivery and inspection this month. He provided a hard copy of the updates to the Board.

DEP Website:

Updates are now being made to the Bureau's website.

Board Appointments:

Reappointments are in process for two members.

ADJOURNMENT:

With no further business to discuss, Scott Roberts called for a motion to adjourn the meeting.

Ron Bowersox moved to adjourn the meeting. Frank Reidelbach seconded this motion.

The official meeting adjourned at 1:04 p.m.