MINUTES
BOARD OF COAL MINE SAFETY
Bureau of Mine Safety Training Facility
August 2, 2012 – 1:00 p.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,
   alternate for Chairman Michael Krancer, DEP, Secretary
Ron Bowersox, United Mine Workers of America
Frank Reidelbach, United Mine Workers of America
John Gallick, AlphaNatural Resources
Stan Popich, Rosebud Mining Company

OTHERS PRESENT

Joseph Sbaffoni, Director, DEP, Bureau of Mine Safety
Michele Tate, DEP, Policy Office
George Ellis, Pennsylvania Coal Alliance
Hank Moore, Jackson Kelly PLLC/PCA
Richard Kinter, Amfire
Jim Pablic, Amfire
Jake Wells, Rosebud Mining Company
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 Secretary Krancer’s absence. Acting Chairman Stefanko called the meeting to
order at 1:03 p.m. in the DEP Bureau of Mine Safety Mine Rescue and Training Facility in
Ebensburg. The Board considered its first item of business, which was the approval of the
March 27, 2012, meeting minutes. Acting Chairman Stefanko called for a motion to adopt the
minutes.

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

AED FINAL REGULATIONS:

Acting Chairman John Stefanko presented the final rulemaking to the Board for adoption and
noted that the rulemaking including revisions based upon the Board’s discussion at the March
27, 2012, board meeting. Ron Bowersox inquired about the implementation schedule for the
rulemaking, including when operators would be required to have AEDs onsite in the mines.
Acting Chairman Stefanko explained that the regulation would be implemented 90 days after it
is published in the *PA Bulletin*. Michele Tate then explained the remaining steps in the regulatory development process that must be adhered to before the regulation is published in the *PA Bulletin*, including review by the Independent Regulatory Review Commission (IRRC) and the Standing Environmental Resources and Energy Committees in the PA House and Senate. She noted that those steps take an additional 2-3 months to complete from the time the Board takes final action on the rulemaking.

Ron Bowersox moved to adopt the AED final regulations. Stan Popich seconded the motion, which was passed unanimously by the Board.

**DRAFT REGULATIONS - SECTION 106.4 STANDARDS FOR SURFACE FACILITIES:**

Acting Chairman Stefanko presented the draft Section 106.4 Standards for Surface Facilities regulations to the Board for discussion. Stan Popich pointed out various typos in the draft Annex A which Department staff responded would be corrected. Bureau of Mine Safety Director Joseph Sbaffoni distributed a list of items in the federal regulations at 30 CFR Part 77 that were not included in the draft proposed regulations. In response, John Gallick explained the process that the PCA followed when drafting the regulatory proposal and noted that regulatory provisions that directly related to surface mining were excluded from the proposal. After the Board began discussion of the draft regulations, including Mr. Sbaffoni’s list, George Ellis with PCA suggested that discussion on the regulatory proposal may be more productive if the Department could produce a detailed list for the Board’s review that identifies the provisions of 30 CFR Part 77 that were not included in the regulatory proposal.

Ron Bowersox moved that the Department produce for the Board’s review at the next meeting a list of provisions in 30 CFR Part 77 that were not included in the regulatory proposal pertaining to Standards for Surface Facilities. John Gallick seconded the motion, which was passed unanimously by the Board.

After the Board’s adoption of the motion, the Department committed to providing the list to the Board 30 days in advance of the Board’s next meeting.

**DRAFT REGULATIONS - 30 CFR 75.403 MSHA REGULATIONS, MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST:**

The Board discussed the draft regulations of 30 CFR 75.403 regarding maintenance of incombustible content of rock dust. The Board agreed for the Department to draft regulations for the Board’s action at the next meeting.

Stan Popich made a motion to direct the Department to draft proposed regulations for 30 CFR 75.403, Maintenance of Incombustible Content of Rock Dust. Ron Bowersox seconded the motion, which was passed unanimously by the Board.
UPDATE ON PCA CABLE STUDY:

Due to the absence of John Burr, discussion on the PCA Cable Study was tabled for the Board’s next meeting. Ron Bowersox questioned a statement in the study on page 15 which included that the committee was unable to gain any specific knowledge concerning shielded cables. John Gallick responded that he would discuss the issue with John Burr and report back to the Board at the next meeting.

OTHER BUSINESS:

The Board discussed cancelling the September 18, 2012, meeting of the Board.

    John Gallick made a motion to cancel the September 18, 2012, Board meeting and hold the next meeting on December 11, 2012, as regularly scheduled. Frank Reidelbach seconded the motion, which was unanimously approved by the Board.

PUBLIC COMMENTS:

Acting Chairman Stefanko asked if there were any public comments.

George Ellis relayed Albert Aloia’s apology for his absence at the meeting, which was due to a recent engineering failure at CONSOL Energy, Inc. Mr. Ellis then inquired about the implementation timeframe for the final AEDs rulemaking. Michele Tate discussed the remaining steps in the regulatory review process and noted that the rulemaking would most likely be published in the PA Bulletin as final in December 2012. Acting Chairman Stefanko noted that the regulations are effective 90 days after publication in the PA Bulletin.

ADJOURNMENT:

With no further business to discuss,

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

The Board meeting adjourned at 1:58 p.m. The next Board meeting is scheduled for December 11, 2012, at 10:00 a.m. at the DEP Bureau of Mine Safety Building in Ebensburg.