

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
June 10, 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

Laura Edinger, DEP Policy Office
A. J. Jenkins, DEP, Office of Chief Counsel
Patrick Dennison, Jackson Kelly, PLLC/PCA
James Lamont, UMWA
David Varney, Alpha Natural Resources
Craig Carson, DEP, Bureau of Mine Safety
Arthur Brower, 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 10:08 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. Acting Chairman Stefanko relayed Secretary Abruzzo's regrets for not attending. He has the next meeting on his schedule and plans to attend.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business, which was approval of the March 11, 2014, meeting minutes.

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

UPDATE ON FINAL RULEMAKING: HIGH VOLTAGE CONTINUOUS MINING MACHINES (25 PA Code Chapter 208)

Acting Chairman John Stefanko provided an update to the Board. The rulemaking has been finalized and was approved by the Independent Regulatory Review Committee (IRRC) at its

May 22, 2014, Public Meeting. It is currently being reviewed by the Office of Attorney General. Laura Edinger stated that it is expected back by June 22. It will then be published in the *Pennsylvania Bulletin* which will open the public comment period.

John Stefanko asked if there were any further questions on this topic -- none were brought up.

CONSIDERATION OF PROPOSED RULEMAKING: STANDARDS FOR SURFACE FACILITIES (25 PA Code Chapter 208):

At the last meeting the Board requested DEP to draft regulations for the Board's consideration. The draft regulations were distributed to the Board on May 27 for their review. Acting Chairman John Stefanko opened the floor to discussion.

Stan Popich made a motion to adopt the proposed rulemaking for Standards for Surface Facilities. Ron Bowersox seconded this motion, which was unanimously approved by the Board.

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

At the last meeting, it was determined that four Board members (two from PCA and two from UMWA) would meet to discuss and prepare a proposal to present to the Board prior to this meeting. Due to scheduling difficulties, a meeting was not held. However, a meeting has now been scheduled and will be held on August 12 at the Cambria DEP office.

A draft proposal will be provided to the Board within two weeks of the next meeting and discussed as an agenda item.

OTHER BUSINESS:

ITEMS TO BE CONSIDERED FOR PROPOSED REGULATION FOR DEVELOPMENT:

Acting Chairman John Stefanko asked the Board to review a list of issues brought up at previous meetings to determine which one the Board would like to work on next.

Chapter 6, Emergency Medical Personnel:

John Gallick said that the PCA would like to consider Chapter 6, Emergency Medical Personnel, Section 606 of the BCMSA concerning EMT Operational Provisions assuming the Board has legal authority to look at regulations that would initiate a separate EMT/First Responder specific to mining. He explained that West Virginia has an EMT-M (mining) certification which mainly focuses on the type of injuries that occur in coal mines. He stated that it has been successful in other states. John Stefanko said that we can amend what we currently have, but would have to work with the Department of Health (DOH) regarding training and certification.

John Gallick agreed to obtain West Virginia EMT-M guidelines to look at as an example.

A motion was made by John Gallick to explore this issue and obtain information regarding EMT-M guidelines. Ron Bowersox seconded the motion, which passed unanimously by the Board.

John Gallick is to provide information to Allison Gaida by August 18 in order for it to be distributed to the Board to review prior to next meeting.

John Stefanko then asked if there was another issue the Board would like to consider.

Ron Bowersox informed the Board of safety committee training in Beckley scheduled for the week of next scheduled meeting in September and requested the date be changed. (Due to the Secretary's schedule, the next meeting has been rescheduled for September 25.)

Reporting Requirements for Books:

John Gallick mentioned that there have been numerous changes in reporting requirements for books in the mines, such as preshift examinations, which have not been updated for at least 20 years. He wasn't sure if this would be a Board responsibility or not, but wanted to bring it up for consideration. It's not so much that information doesn't get recorded, but the books may need to be cleaned up so that there are specific places to record all required information. The current books do not have fields for all of the notations required, so they are currently being added in the 'comment' section of the page. Adding necessary information in this way could potentially cause important information to be overlooked. Part 75 changes will also need to be documented somewhere.

This issue will be added as an agenda item for the next meeting as possible consideration for a regulation. Until then, PCA will obtain templates to determine what new information MSHA and DEP requires. As of now, this would include preshift examinations, SCSR checks, violations (present book states 'conditions'), and unusual occurrences.

PUBLIC COMMENTS:

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

ADJOURNMENT:

With no further business to discuss,

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

The Board adjourned at 10:39 a.m. The next Board meeting is scheduled for September 25, 2014, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.