

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
September 25, 2014 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

E. Christopher Abruzzo, DEP Secretary, Chairman
John Gallick, PCA, AlphaNatural Resources
Stan Popich, PCA, Rosebud Mining Company
Ron Bowersox, U.M.W.A.
Frank Reidelbach, U.M.W.A.
James Sabella, U.M.W.A.
Charles Shaynak, PCA, Consol

OTHERS PRESENT

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations
Joseph A. Scaffoni, DEP, Bureau of Mine Safety
Laura Edinger, DEP Policy Office
Patrick Dennison, Jackson Kelly, PLLC/PCA
Bo Reiley, PA DEP, Office of Chief Counsel
Garrett Lewis, DEP Secretary's Office
George Ellis, PCA
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:

Chairman Abruzzo called the meeting to order at 10:11 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. Chairman Abruzzo introduced himself and then asked that introductions be made around the room.

Following introductions, Chairman Abruzzo asked the Board to consider its first item of business, approval of the June 10, 2014, meeting minutes.

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

UPDATE ON PROPOSED RULEMAKING: STANDARDS FOR SURFACE FACILITIES (25 Pa. Code, Chapter 208):

Chairman Abruzzo updated the Board on the proposed rulemaking. The rulemaking was published in the *Pennsylvania Bulletin* on August 2. This kicked off the public comment period

which closed on September 2. No comments were received. The Independent Regulatory Review Commission (IRRC) has until October 2 to provide its comments. Once IRRC's comments are received, drafting of the final rulemaking package can begin. Chairman Abruzzo called for questions on the rulemaking and there were none..

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

Chairman Abruzzo asked John Stefanko, Deputy Secretary for Active and Abandoned Mine Operations to give an update on performance-based safety requirements. The Board discussed the outcome of a separate meeting that was held on August 12 at the Cambria DEP Office. Four Board members (two each from PCA and UMWA) as well as DEP Bureau of Mine Safety electrical staff met to discuss PCA's proposed regulations. After this meeting, PCA held additional internal meetings. John Gallic noted that the draft that had been discussed at the August 12 meeting was basically rewritten. He explained that PCA felt the proposal should be looked at from both a technical and regulatory standpoint. Most of the discussion at the August 12 meeting focused on the technical side. PCA felt they should also address how a rule would be written and interpreted.

Ron Bowersox raised a concern about the timeframe of this proposal and that the UMWA had no problems with PCA's initial proposal given to them at the August meeting. He requested that UMWA have time to review the proposal and provide input prior to the next Board meeting.

John Stefanko asked if there were any outstanding issues when they met and Ron Bowersox knew of none. John Gallick stated that the changes they were making were more to provide clarification on the language and to look at the proposal from different perspectives.

Chairman Abruzzo reminded the Board of their goal to move forward and he urged members to maintain momentum. He asked John Gallick to provide the latest and best draft to UMWA by November 15. This will give both parties time to review the draft, and, hopefully, have a final draft for the entire Board for the December meeting.

If there are other issues, and if there is a need for the December 9, 2014, Board meeting to be rescheduled, it will be done at that time.

POTENTIAL DRAFT REGULATION - EMERGENCY MEDICAL TECHNICIAN TRAINING – MINERS:

Chairman Abruzzo stated that there has been an internal discussion taking place regarding the possibility of an EMT-M program in Pennsylvania (Chapter 6, Emergency Medical Personnel, Section 606 of the BCMSA concerning EMT Operational Provisions). Deputy Secretary Stefanko will be meeting with Richard Gibbons, Director of Emergency Medical Services, at the Department of Health to discuss the feasibility of this program in PA. Currently, Pennsylvania regulations require an EMT. West Virginia requires an EMT-M, which is more suited to the mining industry. Since Pennsylvania allows no reciprocity for EMTs, Deputy

Secretary Stefanko plans to discuss this with the Department of Health for possible reciprocity in PA. West Virginia also has proposed legislation for an EMT-I certification to include industrial personnel. After some discussion, the Board agreed this topic was worth pursuing further. Bureau of Mine Safety Director Joseph Scaffoni stated that all states in the country are now moving to having Emergency Medical Response (EMR) personnel which is similar to the EMT-M. He questioned whether the Board has the ability to promulgate a regulation or if it would have to go through legislation. Chairman Abruzzo felt that it would have to go through legislation, but should not be difficult since it is basically adding to the definition. This topic will remain on the agenda at the next meeting for an update.

OTHER BUSINESS:

Chairman Abruzzo asked if there were any other issues the Board would like to consider.

Ron Bowersox brought up the issue of proximity. The Board agreed to keep this issue on the radar until MSHA regulations are adopted. This issue will remain on the agenda at the next meeting for an update.

PUBLIC COMMENTS:

Chairman Abruzzo asked the public in attendance for comments. No public comments were brought forward.

ADJOURNMENT:

As this was the first meeting Chairman Abruzzo attended, he took the opportunity to thank all members of the Board for their work and stressed the Board's importance to the safety and future of the mining industry.

With no further business to discuss,

Fran Reidellbalch made a motion to adjourn the meeting John Gallick seconded this motion, which was unanimously approved by the Board.

The Board adjourned at 10:53 a.m. The next Board meeting is scheduled for December 9, 2014, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.