

BOARD OF COAL MINE SAFETY
Surface Regulations Subcommittee
Cambria District Mining Office
October 17, 2013 – 10:00 a.m. – Ebensburg, PA

SUBCOMMITTEE MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,
alternate for Chairman Christopher Abruzzo, Acting DEP Secretary
Stan Popich, Rosebud Mining Company
Ron Bowersox, United Mine Workers of America

OTHERS PRESENT

Joseph Sbaffoni, Director, DEP Bureau of Mine Safety
Craig Carson, Program Manager, DEP Bureau of Mine Safety
Michele Tate, DEP, Policy Office
Jim Lamont, United Mine Workers of America
Susana Cortina, DEP, Office of Chief Counsel
Tom Callahan, DEP Mining Programs
R. Henry Moore, Jackson Kelly/PCA
George Ellis, PCA
Allison Gaida, DEP Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES:

Deputy Secretary for Active and Abandoned Mine Operations John Stefanko called the meeting to order at 10:04 a.m. in the DEP Cambria District Office in Ebensburg.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business, which was consideration of the August 20, 2013, meeting minutes.

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

DRAFT REGULATIONS: STANDARDS FOR SURFACE FACILITIES:

Acting Chairman Stefanko hopes to have a draft Annex by the next Board of Coal Mine Safety meeting in December. This Annex will be provided to all Board of Coal Mine Safety members within 2 weeks prior to the next meeting.

30 CFR Part 77 Subpart A – Definitions

77.2(w) “Rollover Protection” needs to be included in addition to “Barricaded”, “Berm”, and “Flash.” This was omitted from the August 20, 2013, meeting minutes.

30 CFR Part 77 Subpart B – Qualified and Certified Persons – Subcommittee members previously agreed to include § 77.106. In addition, they also agreed to include § 77.107 “as is.” § 77.107.1 should not to be included in the draft proposed rulemaking.

30 CFR Part 77 Subpart C – Surface Installations

The comparison verified that provisions in § 77.214 thru § 77.217, pertaining to refuse piles and impoundments, was covered under current regulations, and should not be included in the draft proposed rulemaking if Section 209 regulations can be enforced by the Bureau of Mine Safety.

30 CFR Part 77 Subpart E – Safeguards for Mechanical Equipment

Subcommittee members agreed that § 77.403.1(a) will be included and modified to clarify that the provision is applicable to the surface areas of underground mines. Further clarifications will also be made to indicate that MSHA approval of rollover protective structures must be obtained. It was agreed that § 77.403.1(b) – (f) would not be included in the draft proposal, as well as § 77.403.2. It was agreed that § 77.403.1(g) and § 77.409 will be included in the draft proposal.

30 CFR Part 77 Subpart G – Training Cables

At the last subcommittee meeting, Stan Popich suggested that the term “trailing cables” be defined and that the applicability of provisions in 30 CFR Part § 77 Subpart G be furthered discussed. The subcommittee agreed to include Subpart G and define “trailing cables.”

30 CFR Part 77 Subpart J – Low and Medium Voltage Alternating Current Circuits

Subcommittee members agreed that 30 CFR § 77.906 should be included in a draft proposal, subject to additional discussion by the Board, including an appropriate definition for “trailing cables.”

30 CFR Part 77 Subpart K – Ground Control

The Department will obtain a legal opinion to determine whether the Bureau of Mine Safety has the authority to enforce Chapter 209.a regulations. If not, Subpart K will be included in the proposed regulations.

30 CFR Part 77 Subpart M – Maps

Department staff provided a comparison of *25 Pa Code* Chapters 89 and 90 as they relate with provisions in 30 CFR § 77.1200 thru § 77.1202 to determine what federal provisions should be included or supplemented in a draft proposed rulemaking. If District Mining Operations (DMO) has the ability to enforce *25 Pa Code* Chapter 208, then this section remains in the proposed regulations. If DMO does not have the authority to enforce *25 Pa Code* Chapter 208 regulations, then this section will need to be made part of the surface regulations under Chapter 209.a.

30 CFR Part 77 Subpart P – Auger Mining

At the previous meeting the subcommittee members agreed that, since auger mining is defined as a surface mining activity under *25 Pa Code* Chapter 209, it would be more appropriate to include such provisions in a proposed surface rulemaking package.

30 CFR Part 77 Subpart Q – Loading and Haulage

With regard to provisions in § 77.1600 thru 77.1608, subcommittee members agreed that requirements associated with loading and haulage should be included in the draft proposed rulemaking, subject to further analysis and discussion. At this meeting, it was agreed to delete § 77.1602 and any other references to aerial tramways. § 77.1604 will be modified from “surface coal mines” to “surface areas of underground mines.”

30 CFR Part 77 Subpart R – Miscellaneous

The subcommittee agreed to include § 77.1700, § 77.1707, § 77.1710, § 77.1710-1 (which will need to be modified) and § 77.1711.

30 CFR Part 77 Subpart T – Slope and Shaft Sinking

With regard to proposed Chapter 208.239 of the draft rulemaking, subcommittee members agreed that § 77.19100 and § 77.1901 will be modified to require Department approval of plans for slopes and shafts. Subcommittee members discussed § 77.1910(b) and agreed to eliminate last sentence of the provision for the proposed rulemaking but retain all other language.

NEXT STEPS

Acting Chairman John Stefanko believes that the Department has enough information to move forward with the development of a draft Annex to be presented to the Board prior to the December 10, 2013, meeting and that no further subcommittee meetings are necessary at this time. Acting Chairman John Stefanko will also provide an update of topics discussed at the subcommittee meeting to the Board.

ADJOURNMENT

With no further business to discuss, the subcommittee concluded their meeting at 11:37 a.m.