

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
March 7, 2017 – 10 a.m. – Ebensburg, PA

VOTING BOARD MEMBERS PRESENT

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mining Operations
John Gallick, PCA
Stan Popich, PCA
Frank Reidelbach, UMWA
Ron Bowersox, UMWA
Jim Sabella, UMWA

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Laura Edinger, DEP, Policy Office
Bo Reiley, DEP, Regulatory Counsel
Colvin C. Carson, DEP, Director, Bureau of Mine Safety
Richard Wagner, DEP, Bureau of Mine Safety
Jeffrey Stanchek, DEP, Bureau of Mine Safety
Jeffry Kerch, DEP, Bureau of Mine Safety
Arthur Brower, DEP, Bureau of Mine Safety
Allison Gaida, DEP, Bureau of Mine Safety

OTHERS PRESENT

Ben Stock, Rosebud Mining
Tanner Lowmaster, Rosebud Mining
Jake Wells, Rosebud Mining
R. Henry Moore, Jackson Kelly/PLLC
Joe Zelanko, Rosebud Mining
Will Dando, PCA
Don Foster, LCT Energy
Dale Lydic, UMWA

CALL TO ORDER AND APPROVAL OF MINUTES

John Stefanko, DEP Deputy Secretary for Active and Abandoned Mining Operations and Acting Chairman of the Board of Coal Mine Safety called the meeting to order at 10:04 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. Charles Shaynak was unable to attend due to prior commitment.

Acting Chairman Stefanko asked the Board to consider its first item of business which was approval of the December 13, 2016, meeting minutes.

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

UPDATE ON PROPOSED RULEMAKING ON PROXIMITY DETECTION SYSTEMS

The Board tabled this final rulemaking at its last meeting, awaiting the resolution of implementation issues with the federal regulation. Bureau of Mine Safety Director Colvin C. Carson informed the Board that a meeting is scheduled at the National Institute of Occupational Safety and Health (NIOSH) on March 22, at which time the industry regulations are to be updated. Four Bureau of Mine Safety staff plan to attend this meeting. Therefore, this issue will be tabled until the next meeting.

UPDATE ON PROPOSED RULEMAKING ON SENSITIVE GROUND FAULT:

The proposed rulemaking that the Board adopted at the September meeting was sent out for external review and approved for publication. The rule is planned for publication on March 18, 2017, which will open the 30-day public comment period. The public comment period will end on April 17, 2017. After the close of the public comment period, the Independent Regulatory Review Commission (IRRC) will have 30 days to provide comment. IRRC's comment period will close on May 17, 2017. Once IRRC has provided comments (or a no comment letter) we can move forward with the development of the final-form rulemaking.

DISCUSSION ON REPORTABLE ACCIDENTS:

At the last meeting, a subcommittee was formed to discuss Reportable Accidents. Acting Chairman Stefanko asked a subcommittee member to give an update. The subcommittee met on February 24, 2017. John Gallick stated that members agreed to meet again and be prepared with some draft events which would trigger a 15-minute phone call. The subcommittee hopes to narrow down the list of what calls would be required to be made. Allison Gaida will send out email to Board members to schedule another meeting as soon as possible.

EMT/EMR LEGISLATIVE PROPOSAL:

At the last meeting, the Board made a determination that this could not be regulation, but a statutory change. A legislative proposal has been drafted with assistance from the Legislative Reference Bureau. PCA's Will Dando provided an overview to the Board members. The legislation is now in draft form as proposed by the subcommittee. It would amend the Act to provide for either EMTs or EMRs who have also completed three additional EMT courses to be eligible to be underground and be qualified as an Emergency Service personnel. They clarified which three additional courses are to be completed and, also, added language that gives the Board authority to add additional courses, if necessary. He stated that the remainder of the bill is essentially clean up to coordinate changes made in the EMS Act passed in 2009. EMR language was added into portions of the Act where previously only EMTs were mentioned for liability purposes. The Bill has not been introduced yet. Acting Chairman Stefanko suggested that a letter be drafted and ready for when the legislation is introduced.

A motion was made by Frank Reidelbach for a letter to be drafted. The letter would be drafted by DEP and distributed to the Board for review and comments prior to finalization. John Gallick seconded this motion which was unanimously approved by the Board.

OTHER BUSINESS:

Acting Chairman Stefanko asked if there were any other issues the Board would like to consider. There were none.

Acting Chairman Stefanko then recognized Bureau of Mine Safety Emergency Response and Training Manager Jeffrey Stanchek for his contribution and dedication to the Department. Mr. Stanchek will be retiring.

PUBLIC COMMENTS:

Acting Chairman Stefanko asked the members of the public in attendance if they would like to provide comments. None were voiced.

ADJOURNMENT:

With no further business to discuss,

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

The meeting adjourned at 10:28 a.m. The next Board meeting will be held on June 6, 2017, at 10 a.m. at the DEP Cambria Office in Ebensburg.