

MINUTES
Technical Advisory Committee on Diesel-Powered Equipment
Fayette County Health Center
January 10, 2007

The Technical Advisory Committee on Diesel-Powered Equipment (TAC) held a regular meeting on January 10 in the Mine Safety Training Room at the Fayette County Health Center in Uniontown. The meeting began at 10:05 a.m. TAC member Ron Bowersox was required to attend a legislation meeting in Harrisburg.

Attendance:

Members Present:

Stanley R. Geary
Ron Bowersox (absent)

Others Present:

Wells Hammers, UMWA Local 2300
Grant Colbert, Cumberland Mine
Bob Bohach, Cumberland Coal Resources, LP
Paul Borchick, Consol Energy
Randy Bedilion, UMWA Local 2300
Dave Sharkins, Rosebud Mining Company
Scott Johnson, Gunther-Nash
Don Teter, Consol Energy
William Bookshar, DEP, BMS
Allison Gaida, DEP, BMS

Minutes of the October 18, 2006, meeting were distributed but could not be approved until the next meeting when both TAC members are present.

Old Business:

Alternate Test Procedure for CO sampling for the Daimler Chrysler OM904LA 100HP engine powering the Brookville Model 7M100D Personnel Carrier/Locomotive: The diesel-powered equipment package for this personnel carrier locomotive had already been approved. On December 22, 2006, the TAC recommended approval of the alternative emissions test procedure. The Bureau of Mine Safety approved the alternate test procedure on January 4.

Conditions of Use for Diesel-Powered Equipment in Shaft and Slope Construction Operations: On March 27, 2006, the Bureau requested the TAC to develop and submit for review proposed “conditions of use” for the use of diesel-powered equipment in shaft and slope construction operations at coal mines. Since the last meeting Stan Geary obtained an electronic copy of the Article II-A that includes the UMWA/PCA/DEP “agreed to amendments” (which do not relate to shaft and slope construction) and sent it to Frontier Kemper, Gunther-Nash, and R.G. Johnson for their input on which existing provisions of the law should apply to shaft and slope

construction operations. He should have comments back from these contractors by the end of January. Once comments are received, a draft will be e-mailed to all attendees of the January 10 meeting and to other interested parties. A special meeting will be scheduled prior to the April 11 meeting to finalize these Conditions of Use.

The following issues were discussed during this TAC meeting:

- Does slope construction fall under the Bureau’s Anthracite and Industrial Minerals Division? DMS treats slope construction as an Industrial Minerals operation, but the Bureau regulates it. The TAC is charged to make recommendations to the Department concerning shaft and slope construction.
- Signatures – who should countersign the records?
 - Records are to be signed by a certified person and countersigned by certified electrician or other certified official of the shaft or slope construction operator.
- Recordkeeping – who is to keep records and how long?
 - To be maintained on site until project is complete then they should go with the equipment.
- When excavation is occurring, clarify what activities will be covered by the conditions of use.
 - The conditions of use will cover the shaft or slope construction activities covered by the shaft or slope construction plan approved by DEP.
- Permissible Equipment – use of terms ‘inby’ and ‘outby’ in shaft and slope construction. Non-permissible equipment can be used. Bill Bookshar is going to discuss this with Anthracite & industrial Minerals Safety Division Chief Paul Hummel.
- Ventilation – use of blower system
 - Is terminology in existing Section 204-A accurate for shaft and slope construction? Sampling of ambient air is different. Change terminology to ‘downwind of last piece of equipment.’
- Fuel Transportation Equipment – containers to use and how to haul the fuel in to fill.
- Training – Who should get – limit to those involved in shaft and slope construction.
- Maintenance – Change wording from ‘mine operator’ to ‘shaft and slope operator’. Delete language in Section 217 about doing maintenance in intake entry.

Update on West Virginia Air Lock Issue:

West Virginia is working with MSHA regarding driving through airlocks and making sure air does not exceed the ambient air conditions in the diesel law. WV is proposing the use of CO monitors on each side of the air lock, as well as one inside to monitor the air. Ron Bowersox will provide an in-depth update at the next TAC meeting.

Review of Sunshine Law:

The TAC was going to ask DEP to provide the TAC with the statutory basis for DEP's position that the TAC is limited to taking formal action at public meetings. After reviewing the Sunshine Law, the TAC decided to drop this issue.

The next scheduled meeting will be held sometime in mid-February to finalize the 'conditions of use' for use of diesels in shaft and slope construction. The next regularly scheduled meeting is April 11.

With no further business to discuss, the meeting adjourned at 11:40 a.m.