

Fayette County Health Center
100 New Salem Road, Room 167
Uniontown, PA 15401
April 9, 2009

Bureau of Mine Safety

724-439-7469

Mr. Shawn E. Konya
MVI
P. O. Box 247
Dellslow, WV 26531

Re: Request for approval of a 1 Man Diesel Fuel Transfer System at the Bailey Mine

Dear Mr. Konya:

The standards and procedures for using diesel-powered equipment in Pennsylvania's underground bituminous coal mines are established in Chapter 4 of the Pennsylvania Bituminous Coal Mine Safety Act (Act). Section 424 of the Act establishes the Technical Advisory Committee on Diesel-Powered Equipment (TAC) whose duties include reviewing requests to use alternative technologies or methods to comply with the requirements of the Act. Any alternative technology or methods recommended by the advisory committee and approved by the Secretary shall not reduce or compromise the level of health and safety protection afforded by the Safety Act.

On June 30, 2008, Bailey Mine requested approval of a 1 Man Diesel Fuel Transfer System in lieu of the currently approved 2 Man system for transferring fuel.

On July 24, 2008 the TAC and members of the Bureau of Mine Safety traveled to the Bailey Mine to evaluate the proposed 1 Man Diesel Fuel Transfer System. On Oct 7th, the TAC recommended temporary approval of this system for a trial period. On January 13th, 2009 the TAC revisited Bailey Mine to observe the system in operation.

During this visit, the issue of using the system to fill cans on the surface was addressed by posting the procedure for filling cans at the surface facility and by requiring that all persons using the system to fill cans on the surface are trained in the operation of the system. Handles on surface valves not needed unless the manual mode was used were removed to avoid any confusion. The final system diagram was updated and submitted to DEP for their approval

Based on the TAC's observations during the visit to the mine, information received from mine personnel, and review of the proposed operating procedures identified in the October 7, 2008 TAC recommendation for temporary approval, the TAC believes that the Bailey Mine proposed "1 Man Diesel Fuel Transfer System" meets the requirements of Chapter 4 Sections 405 and 406 of the Safety Act. Additionally, the TAC believes that this 1 man system and

operating procedures maintain at least the same level of safety as provided by the currently approved 2 man system.

The TAC recommends final approval for this site specific “1 Man Diesel Fuel Transfer System” and operating procedures for the Bailey Mine.

Based upon the TAC’s recommendations, the Department *approves* the 1 Man Diesel Fuel Transfer System and operating procedures for use at the Bailey Mine because this alternative method will not reduce or compromise the level of health and safety protection afforded by Article II-A of the Act. This is a site specific approval for this system.

Should you have any questions concerning this, please contact me at jsbaffoni@state.pa.us or at the above telephone number.

Sincerely,

Joseph A. Sbaffoni
Director
Bureau of Mine Safety

cc: R. Bowersox, TAC
P Borchick, TAC

bcc: Bookshar
Martin
Stowinsky
Keruskin
TAC File/C. Dunn

JAS:WBB:cd

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