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**Pennsylvania Technical Advisory Committee
On Diesel Powered Equipment**

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Joseph Scaffoni, Director
Bureau of Mine Safety
Fayette County Health Center
100 New Salem Road, Room 167
Uniontown, Pa. 15401

RE: TAC recommendation on a request from Cumberland Coal Resources, LP for review and approval of a "Plan to Fuel Diesel Equipment in Track Haulage / Intake Escapeways" at the Cumberland Mine.

Dear Mr. Scaffoni:

Chapter 4 of the "Bituminous Coal Mine Safety Act" (the Act) provides for the use of diesel-powered equipment in underground bituminous coal mines. Section 424 of the act created a Technical Advisory Committee ("TAC") for the purpose of advising the Department regarding implementation of Chapter 4 and evaluation of alternative technology or methods for meeting the requirements of Chapter 4.

Section 411 of the Act (Fueling) states "In those cases where fueling in the intake escapeway is necessary, the mine operator shall submit a plan for approval to the department, which shall be investigated by the Technical Advisory Committee in accordance with section 424, outlining the special safety precautions that will be taken to insure the protection of the miners...".

Background

On August 19, 2009 the Department received a letter from Cumberland Coal Resources, LP requesting approval of a "Plan to Fuel Diesel Equipment in Track Haulage / Intake Escapeways" at the Cumberland Mine.

On August 25, 2009 the Director requested the TAC to review and investigate the plan request and give a recommendation to the Director on their findings.

On September 25, 2009 the TAC traveled to Cumberland Mine to conduct their investigation.

Investigation

The TAC met with the mine operator and representatives of the miners at the Cumberland Mine to review the plan and gather information for their recommendation. Also present were Dennis Walker and William Bookshar from the Bureau of Mine Safety.

The plan submitted and reviewed is site specific to the Cumberland Mine, and not intended to establish guidelines for other mines. This TAC investigation and recommendation is only applicable to this plan at the Cumberland Mine.

The TAC investigation is guided by Section 411 (Fueling) of the Act as well as other pertinent sections. The TAC worked with all parties to develop a plan that incorporated special safety precautions to ensure the protection of miners and complied with all the requirements of the Act. Mine specific safety features were considered during review of the fueling plan. These included the track haulage equipment and system, the mine communication system, and the mine wide carbon monoxide (CO) monitoring system being utilized at the Cumberland Mine. The original plan submitted on August 19, 2009 was modified to include the items agreed to during the TAC investigation and a revised final version was submitted on September 29, 2009. (See attachment 1)

After reviewing the mine map and based on conversations with the operator and representatives of the miners, the TAC has determined that the mine design and entry configuration make it necessary to conduct fueling in the intake escapeway at the Cumberland Mine.

As required in Section 411, the plan specifies the track haulage entry as the fixed location in the intake escapeway where the fueling will occur, and the location will be identified by a sign and marked on the mine map. The plan addresses the examination of the area for spillage or fire by a qualified individual. The fuel buffalo will carry a spill cleanup kit that will include all necessary personal protective equipment as well as fuel absorbent materials. One person, who is a trained diesel equipment operator, will serve as fire watch during fueling. Also there will be at least one individual on duty who will be trained in the clean up and disposal of diesel fuel spills when diesel powered equipment or mobile transportation equipment is being used or when any fueling of diesel powered equipment is being conducted as required in Section 411.

The plan provides additional protection to the miners by maintaining a charged fire hose and hand held foam generator on the intake side of the fixed location of the fuel transfer. Also the area where fuel transfer will take place will be well rockdusted and the roof and ribs will be protected with a fireproof cloth. Additional precautions for transporting the fuel buffalo, training of the persons conducting the transporting and fueling operations, length and construction of the fueling hose and communication procedures as stated in the plan also add additional protection for the miners.

The plan does not allow permanent storage of the fuel buffalo in the intake escapeway, and requires that it will be constantly attended by a trained diesel operator or will be stored in an area that complies with Section 405 of the Bituminous Coal Mining Laws of Pennsylvania.

The mine track haulage diesel equipment and system was reviewed by the TAC to become familiar with the mine operation. The communication and tracking center operation was also observed and several questions on the operational procedures were answered by the people on duty. The mine CO monitoring system was reviewed. The TAC feels that these systems in place are state of the art systems which provide enhanced protection for using diesel equipment in the mine. The TAC also believes that these systems provide adequate protection to the miners when fuel transfer will take place in the intake escapeway and do not compromise the level of health and safety as required by the Act.

Recommendation

The TAC recommendation is based on the plan complying with Chapter 4 of the Act, conversations with the operator and representatives of the miners, observations made during the review of the mine haulage, communications and tracking system, and a review determining if the plan does not compromise the level of health and safety as provided by the Act.

The TAC thoroughly investigated this site-specific request and recommends approval of the attached plan (Attachment 1). The TAC believes this plan for the Cumberland Mine meets all the requirements of Section 411 and does not compromise the level of health and safety provided the miners under the Act and, therefore, recommends approval.

This recommendation for approval is only for the "Plan to Fuel Diesel Equipment in Track Haulage / Intake Escapeways" at the Cumberland Mine. It is not intended to establish guidelines for other mines. The TAC also recommends that all requests for fueling in the intake escapeway be handled on a mine by mine basis.

Should the operator submit a request to the Director for temporary approval to implement this plan prior to the next TAC meeting on October 14, 2009, the TAC recommends temporary approval for the plan until permanent approval can be formally recommended at that meeting.



Paul Borchick



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CUMBERLAND COAL RESOURCES, LP

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- and will maintain a 20# fire extinguisher within hands reach while fueling operations are taking place.
10. The fueling hose shall be of one piece construction not to exceed 200 feet in length.
 11. This plan does not permit permanent storage of the fuel buffalo in the intake escapeway.
 12. The fuel buffalo will be continuously attended by a trained diesel operator or will be stored in an area that complies with section 405 of the Bituminous Coal Mining Laws of Pennsylvania.
 13. All other requirements of the Pennsylvania Bituminous Coal Mine Safety Act shall apply.
 14. This plan allows for the transfer of fuel in the intake escapeway provided all provisions of the plan are followed.

If you have any questions concerning this plan, you can contact me by calling 724-852-5852.

Respectfully Submitted,



Robert Bohach
Manager of Safety
Cumberland Coal Resources LP