

MINUTES
BOARD OF COAL MINE SAFETY
December 15, 2010 - Uniontown, PA

BOARD MEMBERS

John Hanger, Chairman, Secretary, Department of Environmental Protection
Ron Bowersox, United Mine Workers of America
Frank Reidelbach, United Mine Workers of America
John Gallick, Alpha Natural Resources
Albert Aloia, CONSOL Energy, Inc.
Stanko Popich, TJS Mining, Inc.

OTHERS PRESENT

Joseph Sbaffoni, Director, Bureau of Mine Safety
Daniel Lapato, Executive Policy Specialist, Policy Office
Richard Morrison, Attorney, Bureau of Regulatory Counsel
R. Henry Moore, Jackson Kelly PLLC
Todd Moore, Consol Energy
Jim Pablic, Amfire Mining
David Varney, Amfire Mining
Allison Gaida, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman John Hanger called the meeting to order at 10:16 a.m. in the Bureau of Mine Safety conference room, Fayette County Health Center, 100 New Salem Road, Uniontown, PA. All members of the Board except Jim Sabella and Ron Bowersox were present. Ron Bowersox arrived at 10:30 a.m.

The Board considered its first item of business – approval of the October 26, 2010, meeting minutes. Chairman Hanger called for a motion to adopt the minutes.

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

OLD BUSINESS

While waiting for Ron Bowersox to arrive, Chairman Hanger requested this item be moved to the first agenda item

Update on PCA Cable Study

John Burr stated that the PCA is very pleased with the sensitive ground fault systems. There were some problems with implementation of the test program in lower seam

mines. The agreement within the PCA was to try the system in higher seam mines first. Lower seam mines have built test panels and secured state approval and are now ready to move forward with testing.

AmerCable and General Cable have finished 85 to 90 percent of their laboratory testing, and issues appear to be resolved. AmerCable has come across a cable used internationally, not currently used in the United States which has done very well in laboratory tests. They recommend trying that cable underground on a trial basis to see if it holds up. General Cable has tried to customize a cable design -- to take carbon and doping it into insulating material to have a flexible shielded component in the cable. This all hinged on the success of a sensitive ground fault system because the modified semi-conductive material would not carry 6 amps, but will carry 3/10 amps. They identified 2 cables that will work in a mine and meet these requirements. PCA reviewed cable info from each vendor and agreed that lab results were good enough to proceed with underground testing. PCA is going to process all necessary paperwork for unique cables to state and federal agencies to see if they can get approval to use the cables in underground mines.

Chairman Hanger asked for comments. John Gallick stated that they are not sure how long the approvals for these cables will take. Chairman Hanger commented that the process needs moved along so the Board can get on with implementation. DEP will do its best to expedite the approval process.

John Burr will provide an update to the Board at the next meeting.

Discussion of Federal Provisions on Shelters, Communication, and Tracking

MSHA has not adopted regulations on communication and tracking. Therefore, John Gallick requested those items be tabled and the Board would discuss only Annex A.

208.1. Definitions.

The PCA members agreed as a group that the definitions for Act, Approval or Approved, MSHA, Miner, NIOSH, and Operator should be struck from list in the proposed legislation because it is already in there. Chairman Hanger explained that the redundancy is for clarity to make sure that rules are more understandable to reader.

Stan Popich, representing the PCA, suggested removing the word 'highest' removed from the definition of overpressure.

A motion was made by Stan Popich to strike the word 'highest' in the overpressure definition in 208.1. Frank Reidelbach seconded the motion. All present were in favor and motion carried unanimously.

208.3 – Access to material.

Stan Popich recommended a language change. After discussion, Ron Bowersox suggested rewording the second sentence to read "The operator will provide to the representative of the

miners and the Department copies of an application, report, plan or other material submitted by an operator to MSHA pursuant to a regulation adopted by reference in this chapter.”

Discussion followed and the proposed language appeared to address everyone’s concerns. The Board wanted to have more discussion on the language change before taking action.

Seals.

208.11(a) Stan Popich suggested changing the wording for 208.11(a) to: “The provisions of 30 CFR 75.335(a)(1)(2) and (3) are incorporated by reference.” This would allow 50 psi seals. Discussion on this request to change wording took place. Joe Scaffoni brought up the question of why you would install a seal that you know could fail.

The Department is opposed to the change to 208.11(a). However, Chairman Hanger stated that, if there is a motion with five votes for it, it can pass. He then asked for a motion.

John Gallick made motion that 208.11(a) wording be changed to “The provisions of 30 CFR 75.335(a)(1)(2) and (3) are incorporated by reference.” in lieu of language presently in 208.11(a). Albert Aloia seconded the motion. Albert Aloia, John Gallick, and Stan Popich voted in favor; Chairman Hanger, Frank Reidelbach, and Ron Bowersox were opposed. The motion did not carry.

Chairman Hanger encouraged more discussion on the 50 psi issue.

Two other seal items were discussed:

Motion made by Stan Popich and seconded by John Gallick to add ‘concerning seal installation’ to 208.11(d) and remove wording in (b) and combine (1) and (2) to read “(b) *Welding, cutting, and soldering*. The operator shall submit to the Department and the representative of the miners the same information submitted to MSHA under 30 CFR 75.337(f). Any welding, cutting or soldering within 150 feet of a seal shall be performed in accordance with the MSHA approval.” All present were in favor and motion carried unanimously.

208.21 Escapeways

Stan Popich recommended the following changes:

208.21(a) - the operator shall provide an escapeway as specified in 230(c)(1)(iii) and travelways as specified in 274(e)(ii) or as an alternative, an operator can, in lieu of those two standards, provide escapeways that comply with the MSHA escapeway regulations.

208.21(c) – add wording at end “by the end of the shift on which the blockage occurs”.

The Department’s intent was to be notified when MSHA is notified; language will be reworded to reflect this.

Chairman Hanger encouraged more discussion on these changes.

208.41. Emergency evacuation.

Stan Popich recommended rewording of 208.41(b). After some discussion, Chairman Hanger agreed that the language would need refined, but must provide for a surface employee trained to execute evacuation and notification procedures in the event the responsible person is unable to do so.

The Board will continue to address the items discussed for the next meeting.

NEW BUSINESS:

There were no new business items brought up by the Board.

PUBLIC COMMENTS

No public comments were brought up to the Board.

ADJOURNMENT

With no further business to discuss, Chairman Hanger called for a motion to adjourn the meeting.

Frank Reidelbach moved to adjourn the meeting. John Gallick seconded this motion.

Chairman Hanger stated this would be his last meeting and thanked the Board for all they've done. He also commended the Bureau of Mine Safety for all its work to provide safe mines in the Commonwealth.

The official meeting adjourned at 11:57 a.m.