

**MINUTES**  
**BOARD OF COAL MINE SAFETY**  
**December 13, 2011 – MTTC, Ruff Creek, PA**

**BOARD MEMBERS**

John Stefanko, alternate for Chairman Michael Krancer, Secretary, DEP  
Ron Bowersox, United Mine Workers of America  
Frank Reidelbach, United Mine Workers of America  
Albert Aloia, CONSOL Energy, Inc.  
John Gallick, AlphaNatural Resources  
Stan Popich, Rosebud Mining Company  
Jim Sabella, United Mine Workers of America

**OTHERS PRESENT**

Joseph Scaffoni, Director, Bureau of Mine Safety  
Michele Tate, Policy Office  
John Burr, CONSOL Energy, Inc.  
Todd Moore, CONSOL Energy, Inc.  
Marlon Whoolery, MTTC  
Gene Davis, Davis Consulting  
Patrick Dennison, PCA  
Allison Gaida, Bureau of Mine Safety

**CALL TO ORDER AND APPROVAL OF MINUTES:**

Deputy Secretary for Active and Abandoned Mine Operations John Stefanko served as Chairman in Secretary Krancer's absence. Chairman Stefanko called the meeting to order at 10:33 a.m. in the Mining Technology and Training Center in Ruff Creek, PA. All Board members were present.

The Board considered its first item of business, which was the approval of the September 13, 2011, meeting minutes. Chairman Stefanko called for a motion to adopt the minutes.

**Frank Reidelbach moved to adopt the minutes as submitted. Stan Popich seconded the motion, which was unanimously approved by the Board.**

**OLD BUSINESS:**

**Final Underground Coal Mine Safety Rulemaking: Section 208:41, Emergency Evacuation:**

Chairman Stefanko confirmed with the Board that the version of the final rulemaking that was published in the *Pennsylvania Bulletin* was the version the Board adopted on June 14, 2011.

### **Section 106.4 of the Bituminous Coal Mine Safety Act (BCMSA) concerning Standards for Surface Facilities:**

Albert Aloia provided the Board with a copy of draft regulations associated with the implementation of requirements in Section 106.4 of the BCMSA. John Gallick and Mr. Aloia explained that they reviewed the applicable standards contained in 30 CFR Part 77, as referenced in Section 106.4 of BCMSA, and removed what was not applicable in order to draft the regulations.

**A motion was made by Ron Bowersox and seconded by John Gallick to table consideration of the Section 106.4, Surface Regulations, until the next meeting so that all Board members have an opportunity to review the draft regulations. The motion was unanimously approved by the Board.**

### **30 CFR 75.403, concerning Maintenance of Incombustible Content of Rock Dust:**

Chairman Stefanko asked the Board if they would like DEP to draft regulations using the federal language at 30 CFR 75.403 as guidance.

**A motion was made by John Gallick and seconded by Ron Bowersox for DEP to draft a proposed rulemaking using the federal language for the Board to review. The motion was unanimously approved by the Board.**

### **Prioritization of Other Regulations:**

At the last meeting on September 13, 2011, the Board agreed to review a list of regulations that could be promulgated by the Board. From that list, the Board agreed to determine which regulations should be developed and which should be prioritized. Chairman Stefanko asked if all Board members had an opportunity to review the list prepared by DEP and if anyone had suggestions to prioritize the regulations on the list or if anyone had suggestions for other rulemakings to add to the list. John Gallick said that when the surface regulations were finished, it was assumed that preshift standards would be developed next, which would be very complicated. Joe Sbaffoni confirmed that the Board previously agreed to examine surface provisions and that DEP would develop a draft on 30 CFR 75.403. He explained, however, that the Board could establish a list of regulatory issues that need to be addressed and once a rulemaking is finished, the Board could go on to what it felt was the next priority on the list.

Based upon the collective discussion of several board members, the Board agreed that 30 CFR 75.823 - 75.834 and 75.1002 of MSHA regulations should be prioritized by the Board for potential regulatory development. The federal regulations concern electrical safety standards for high-voltage continuous mining machines and the installation of electric equipment and conductors.

The Board decided that the following are issues that should remain on the list for consideration by the Board as potential rulemakings; however, the following are not prioritized for action:

- **Section 205 of BCMSA – Miner Certification**  
Joe Sbaffoni stated that he believes the intent of BCMSA was to let DEP administer the exam and that the word “rule”, rather than “regulation”, should have been used in the Act. He explained the miner certification process and Information Technology Generalist situation in the Bureau of Mine Safety. He also noted that approximately two written certification exams per month are being conducted currently, but once an IT is hired, the Bureau will be able to conduct computerized exams for 10 individuals each week.
- **Chapter 6, Emergency Medical Personnel, Section 606 of BCMSA, EMT Operational Provisions.**  
Joe Sbaffoni explained that at this time, enforcement practices are being accepted by industry without any issues.
- **Section 106.1(j) of BCMSA – Fees**  
DEP staff provided an overview of the funding history of the program and agreed that it would present an assessment of projected fee amounts for review and discussion by the Board before a rulemaking would be developed.
- **Section 106.5 of BCMSA – Track Distance Exemptions.**  
DEP staff noted that track distance exemptions do not require a rulemaking to take effect; therefore this issue was determined to be the least needed for regulatory development.

**A motion was made by Frank Reidelbach and seconded by Stan Popich for the Board to prioritize a review of 30 CFR 75.823-75.834 and 75.1002 of MSHA regulations concerning High-Voltage Continuous Mining Machine Standards for potential regulatory development. The Board noted that the other regulations discussed at the meeting will remain on the list and that the Board will examine if other regulations are needed. The motion was passed unanimously by the Board.**

#### **DEP’s Authority under Section 106.1(c) of BCMSA:**

Board members and DEP staff discussed the Department’s authority under Section 106.1(c) of BCMSA to promulgate regulations in the absence of Board action. Chairman Stefanko told the Board that DEP staff would consult with legal counsel on this issue and report at the next Board meeting the authority the Department has under 106.1(c) of BCMSA.

#### **AED Regulations:**

Chairman Stefanko asked Michele Tate from DEP’s Policy Office to update the Board on the AED regulations. She explained that the proposed rulemaking was published in the

*Pennsylvania Bulletin* on November 5, 2011, for a 30-day comment period which ended on December 5, 2011. There were no comments received. She noted that IRRC (Independent Regulatory Review Commission) has 30 days from the public comment period deadline to provide comments on the rulemaking to the Board. She explained that IRRC is made up of five commissioners (one appointed by the Governor, and two each from the Senate and House of Representatives) and approximately ten support staff. DEP staff will be meeting with IRRC this week to discuss the AED rulemaking and to address any questions IRRC staff may have on the rulemaking.

The AED regulations will be an agenda item at the Board's next meeting.

### **Update on PCA Cable Study:**

John Burr conducted a PowerPoint presentation to update the Board on the PCA Cable Study. A copy of this presentation will be distributed to the Board.

Chairman Stefanko said we need to move forward on the completion of the cable study as this is one of the initial charges of the Board. He suggested that John Burr either present a final report to the Board or present a partial report, with recommendation for additional testing on cable issues and a timeline for completion. Albert Aloia said the sensitive ground fault seems to have worked, but there could be more testing done on the cables. Ron Bowersox suggested the completion of a partial report with additional testing. In lieu of compiling a partial report, John Burr stated that he thought it was the Board's position that as long as PCA gave partial reports/updates and kept the Board informed, the project was active. John Gallick agreed that they don't know as much about the new cables, but questioned whether the Board will have a factual report of findings from the PCA to review and move forward at the next Board meeting. Chairman Stefanko asked when a report will be ready. After additional discussion, John Burr explained the report will need to be written and then reviewed prior to distribution to the Board, but he could have the report completed at least one week in advance of the next meeting.

**A motion was made by Stan Popich and seconded by Jim Sabella for the PCA to provide a Cable Study Report to the Board one week in advance of the next meeting. All were in favor and the motion passed unanimously.**

The report will be e-mailed to the Board as soon as John Burr provides it to the Department.

### **NEW BUSINESS:**

#### **DEP Reorganization:**

Chairman Stefanko gave an update on the reorganization of DEP.

#### **2012 Meeting Dates:**

Meeting dates for 2012 were scheduled. All meetings will be held at the DEP Office in Ebensburg, PA, beginning at 10 a.m.

March 27, 2012  
June 19, 2012  
September 18, 2012  
December 11, 2012

**New Regulations:**

The Bituminous Coal Mine Safety Act will be revised and reprinted to include the new regulations. This will be handled by the Bureau.

**PUBLIC COMMENTS:**

Chairman Stefanko asked if there were any public comments. Gene Davis, Davis Training & Consulting commented on the equipment approval process in PA, specifically the process for approving diesel equipment. He noted that it is not specified in law how equipment is to be approved and that the present process is not allowing full implementation of the requirements specified in Section 424(i) of the BCMSA. He noted that under the current process, approval of diesel equipment cannot be granted unless the original equipment manufacturer (OEM) submits a request.

Chairman Stefanko responded that the issue is one that would be more appropriate for the Department to resolve, than the Board. He noted he would look into the concerns presented by Mr. Davis and respond to him directly.

**ADJOURNMENT:**

With no further business to discuss,

**Jim Sabella made a motion to adjourn the meeting. Frank Reidelbach seconded this motion, which was unanimously approved by the Board.**

The official meeting adjourned at 12:38 p.m. The next meeting is scheduled for March 27, 2012, at 10 a.m. at the DEP Office in Ebensburg.

Following the official meeting, a presentation on the Mining Technology and Training Center (MTTC) took place and members were given a tour of the facility.