

**MINUTES**  
**BOARD OF COAL MINE SAFETY**  
**Bureau of Mine Safety Training Facility**  
**August 2, 2012 – 1:00 p.m. – Ebensburg, PA**

**BOARD MEMBERS**

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,  
alternate for Chairman Michael Krancer, DEP, Secretary  
Ron Bowersox, United Mine Workers of America  
Frank Reidelbach, United Mine Workers of America  
John Gallick, AlphaNatural Resources  
Stan Popich, Rosebud Mining Company

**OTHERS PRESENT**

Joseph Sbaffoni, Director, DEP, Bureau of Mine Safety  
Michele Tate, DEP, Policy Office  
George Ellis, Pennsylvania Coal Alliance  
Hank Moore, Jackson Kelly PLLC/PCA  
Richard Kinter, Amfire  
Jim Pablic, Amfire  
Jake Wells, Rosebud Mining Company  
Allison Gaida, DEP, 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. Acting Chairman Stefanko called the meeting to order at 1:03 p.m. in the DEP Bureau of Mine Safety Mine Rescue and Training Facility in Ebensburg. The Board considered its first item of business, which was the approval of the March 27, 2012, meeting minutes. Acting Chairman Stefanko called for a motion to adopt the minutes.

**Ron Bowersox moved to adopt the minutes as presented to the Board.  
Stan Popich seconded the motion, which was unanimously approved by the Board.**

**AED FINAL REGULATIONS:**

Acting Chairman John Stefanko presented the final rulemaking to the Board for adoption and noted that the rulemaking including revisions based upon the Board's discussion at the March 27, 2012, board meeting. Ron Bowersox inquired about the implementation schedule for the rulemaking, including when operators would be required to have AEDs onsite in the mines. Acting Chairman Stefanko explained that the regulation would be implemented 90 days after it

is published in the *PA Bulletin*. Michele Tate then explained the remaining steps in the regulatory development process that must be adhered to before the regulation is published in the *PA Bulletin*, including review by the Independent Regulatory Review Commission (IRRC) and the Standing Environmental Resources and Energy Committees in the PA House and Senate. She noted that those steps take an additional 2-3 months to complete from the time the Board takes final action on the rulemaking.

**Ron Bowersox moved to adopt the AED final regulations. Stan Popich seconded the motion, which was passed unanimously by the Board.**

**DRAFT REGULATIONS - SECTION 106.4 STANDARDS FOR SURFACE FACILITIES:**

Acting Chairman Stefanko presented the draft Section 106.4 Standards for Surface Facilities regulations to the Board for discussion. Stan Popich pointed out various typos in the draft Annex A which Department staff responded would be corrected. Bureau of Mine Safety Director Joseph Scaffoni distributed a list of items in the federal regulations at 30 CFR Part 77 that were not included in the draft proposed regulations. In response, John Gallick explained the process that the PCA followed when drafting the regulatory proposal and noted that regulatory provisions that directly related to surface mining were excluded from the proposal. After the Board began discussion of the draft regulations, including Mr. Scaffoni's list, George Ellis with PCA suggested that discussion on the regulatory proposal may be more productive if the Department could produce a detailed list for the Board's review that identifies the provisions of 30 CFR Part 77 that were not included in the regulatory proposal.

**Ron Bowersox moved that the Department produce for the Board's review at the next meeting a list of provisions in 30 CFR Part 77 that were not included in the regulatory proposal pertaining to Standards for Surface Facilities. John Gallick seconded the motion, which was passed unanimously by the Board.**

After the Board's adoption of the motion, the Department committed to providing the list to the Board 30 days in advance of the Board's next meeting.

**DRAFT REGULATIONS - 30 CFR 75.403 MSHA REGULATIONS, MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST:**

The Board discussed the draft regulations of 30 CFR 75.403 regarding maintenance of incombustible content of rock dust. The Board agreed for the Department to draft regulations for the Board's action at the next meeting.

**Stan Popich made a motion to direct the Department to draft proposed regulations for 30 CFR 75.403, Maintenance of Incombustible Content of Rock Dust. Ron Bowersox seconded the motion, which was passed unanimously by the Board.**

### **UPDATE ON PCA CABLE STUDY:**

Due to the absence of John Burr, discussion on the PCA Cable Study was tabled for the Board's next meeting. Ron Bowersox questioned a statement in the study on page 15 which included that the committee was unable to gain any specific knowledge concerning shielded cables. John Gallick responded that he would discuss the issue with John Burr and report back to the Board at the next meeting.

### **OTHER BUSINESS:**

The Board discussed cancelling the September 18, 2012, meeting of the Board.

**John Gallick made a motion to cancel the September 18, 2012, Board meeting and hold the next meeting on December 11, 2012, as regularly scheduled. Frank Reidelbach seconded the motion, which was unanimously approved by the Board.**

### **PUBLIC COMMENTS:**

Acting Chairman Stefanko asked if there were any public comments.

George Ellis relayed Albert Aloia's apology for his absence at the meeting, which was due to a recent engineering failure at CONSOL Energy, Inc. Mr. Ellis then inquired about the implementation timeframe for the final AEDs rulemaking. Michele Tate discussed the remaining steps in the regulatory review process and noted that the rulemaking would most likely be published in the *PA Bulletin* as final in December 2012. Acting Chairman Stefanko noted that the regulations are effective 90 days after publication in the *PA Bulletin*.

### **ADJOURNMENT:**

With no further business to discuss,

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

The Board meeting adjourned at 1:58 p.m. The next Board meeting is scheduled for December 11, 2012, at 10:00 a.m. at the DEP Bureau of Mine Safety Building in Ebensburg.