

MINUTES
BOARD OF COAL MINE SAFETY
Bureau of Mine Safety Training Facility
September 17, 2013 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,
alternate for Chairman Christopher Abruzzo, Acting DEP Secretary
John Gallick, PCA, AlphaNatural Resources
Stan Popich, PCA, Rosebud Mining Company
Mike Sinozich, PCA, Consol Energy
Ron Bowersox, U.M.W.A
Frank Reidelbach, U.M.W.A.
James Sabella, U.M.W.A.

OTHERS PRESENT

Joseph Sbaffoni, Director, DEP, Bureau of Mine Safety
Susana Cortina, DEP, Office of Chief Counsel
Robert Reiley, DEP, Office of Chief Counsel
R. Henry Moore, Jackson Kelly PLCC
Jake Wells, Rosebud Mining Co.
Ben Stock, Rosebud Mining Co.
Chris O'Neil, Consol Energy
Caleb Sykora-Bodie, Policy Office
Joe Somogyi, Rosebud Mining
Tim Shell, Consol Energy
Jeffry Kerch, DEP, Bureau of Mine Safety
Arthur Brower, DEP, Bureau of Mine Safety
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 Acting Secretary Abruzzo's absence. Acting Chairman Stefanko called the meeting to order at 10:25 a.m. in the DEP Bureau of Mine Safety Mine Rescue and Training Facility in Ebensburg. Acting Chairman Stefanko asked all Board members and meeting attendees to introduce themselves.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business; consideration of the June 26, 2013, meeting minutes.

Jim Sabella moved to adopt the minutes as presented to the Board.

Mike Sinozich seconded the motion, which was unanimously approved by the Board.

UPDATE ON PROPOSED RULEMAKING: REQUIREMENTS FOR HIGH-VOLTAGE CONTINUOUS MINING MACHINES:

Acting Chairman Stefanko provided an update on the proposed rulemaking for requirements for high-voltage continuous mining machines. Regulations have been developed and sent to the Attorney General's office. Acting Chairman Stefanko explained that, as part of the review process, and in order to get questions answered for clarification, a 'tolling' memo was sent. It appears that there was some confusion that existing regulations might already cover this issue. The Department responded that continuous mining machines are different than long wall mining machines, which were already in the existing regulations. We are now waiting to hear back from them to see if our answer was sufficient.

FINAL RULEMAKING: MAINTENANCE OF INCOMBUSTIBLE CONTENT OF ROCK DUST:

Acting Chairman Stefanko asked for a motion to move this to final rulemaking and go through regulatory process.

Ron Bowersox made a motion to move Maintenance of Incombustible Content of Rock Dust to final rulemaking. Stan Popich seconded this motion, which passed unanimously by the Board.

Since the IRRC requested that a Board member attend their meeting, John suggested that he would reach out to George Ellis, who is already in Harrisburg, to attend so that a Board member would not have to drive to Harrisburg. Ron Bowersox requested that the Board be notified of this meeting to be given the opportunity to attend. Acting Chairman Stefanko will notify Board when the IRRC meeting will be held, and any member of the Board can then attend.

DRAFT REGULATION: STANDARDS FOR SURFACE FACILITIES BCMSA, SECTION 106.4 SUBCOMMITTEE REPORT:

Acting Chairman Stefanko provided an update to the Board on the August 20, 2013, Surface Regulation Subcommittee Meeting. The initial intent was to review all issues and come back to the Board with a draft Annex. Though the subcommittee made good progress, not everything was resolved at one meeting and another meeting will be scheduled in the near future. Some issues were to be taken back to the company and a side-by-side comparison to be done. Stan Popich asked if the comparison had been completed and Acting Chairman Stefanko replied that he would find out and notify the Board.

DRAFT REGULATIONS; PERFORMANCE-BASED CABLE SAFETY REQUIREMENTS:

Acting Chairman Stefanko asked the Task Force to give an update to the Board. Jeff Kerch introduced the Task Force to the Board. Members include Jeffry Kerch, Arthur Brower, Chris

O'Neil, and Joe Somogyi. The Task Force met in July and August and had presented their report of options to the Board prior to this meeting.

A discussion was held outlining the advantages and limitations of the two primary methods of protection: sensitive ground fault protection (SGFP) and shielded cables.

A decision must be made by the Board as to what cables need to be addressed underground. Ron Bowersox asked what would be the downfall in protecting all cables. The initial cable study discussion was focused on face equipment up until recently and now all equipment. Chris O'Neil had contacted the previous member of the Task Force and author of the PCA Cable Study report, John Burr, asking why the focus was not on all cables. According to John Burr, Chris O'Neil stated the study was to focus only on cables that had the most exposure and were subject to daily wear and tear and handling. Areas out by are typically power cables (not trailing cables), belt drives, hung protected, out of the road, and not exposed to equipment moving back and forth. Bureau of Mine Safety Director Joseph Scaffoni said the intent of the law was to look at all cables. He also pointed out that all cables connecting mobile, portable, or stationary equipment is considered portable trailing cable by Pennsylvania law. If it is not permanent mine wiring, it is a portable trailing cable. The problem with SGFP is that there is no guarantee it will protect a person, but shielded cable on the outer jacket will de-energize power on the cable if a phase conductor is damaged.

Some limitations are false tripping on Variable Frequency Drive (VFD) equipment. A discussion was held on a recent incident where an individual put his head in contact with a load resistor trying to locate a part number and got shocked. Joseph Scaffoni thought that the SGFP had saved him. Chris O'Neil offered clarification that SGFP relays protect circuits leaving power center. There is no SGFP inside control bays on power centers. Art Brower said that it wasn't determined what actually tripped, but it may have been one of the required 3 levels of SGFP. He believed it was the VFD's onboard ground fault protection. He didn't think it was a distribution box, but a belt drive.

It was noted that only four mines have SGFP load centers on face equipment at the present time. These mines are Cumberland, Heilwood, Bailey, and BMX.

Acting Chairman John Stefanko asked the Board what they would like to developing regulations on performance based cables. John Gallick recommended that the PCA draft a regulation for the Board's consideration as a starting point. Ron Bowersox noted that he would like input in the development of the draft.

John Gallick made a motion that PCA members develop draft proposed regulations enhancing underground cable safety and share and discuss with UMWA before the draft is finalized. They will attempt to have final draft 2 weeks prior to the December 10 meeting. Frank Reidelbach seconded motion, which was unanimously approved by the Board.

The Task Force is available, if needed, and member contact information will be provided to the Board.

OTHER BUSINESS:

No other business was brought up by the Board.

PUBLIC COMMENTS:

Acting Chairman John Stefanko asked the public for comments. No comments were offered by the public.

ADJOURNMENT:

With no further business to discuss,

Mike Sinozich made a motion to adjourn the meeting. Frank Reidelbach seconded this motion, which was unanimously approved by the Board.

The Board adjourned at 11:05 a.m. The next Board meeting is scheduled for December 10, 2013, at 10:00 a.m. at the DEP Bureau of Mine Safety Building in Ebensburg.