

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
March 10, 2015 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations, alternate for Chairman John Quigley, DEP, Acting Secretary
John Gallick, PCA, AlphaNatural Resources
Stan Popich, PCA, Rosebud Mining Company
Frank Reidelbach, U.M.W.A.
James Sabella, U.M.W.A.
Charles Shaynak, PCA, Consol

OTHERS PRESENT

Joseph A. Sbaffoni, DEP, Bureau of Mine Safety
Todd Moore, ConsolEnergy
Chris O'Neil, ConsolEnergy
Will Danco, PA Coal Alliance
George Ellis, PA Coal Alliance
R. Henry Moore, Jackson Kelly
Donald Foster, Jr., LTC Energy, LP
Joe Iole, DEP, Regulatory Counsel
Doug Brennan, DEP, Regulatory Counsel
Craig Carson, DEP, Bureau of Mine Safety
Jeffrey 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 John Quigley's absence. Acting Chairman Stefanko stated that he has been designated as Secretary Quigley's alternate, and that Acting Secretary Quigley plans to attend the next Board of Coal Mine Safety meeting. Acting Chairman Stefanko called the meeting to order at 10:10 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. Member Ron Bowersox was not present due to a recent mine fatality in West Virginia. Acting Chairman Stefanko introduced himself, and then asked that introductions be made around the room.

Jim Sabella made a request for a moment of silence for the two recent fatalities in PA mines.

Following introductions, Acting Chairman Stefanko asked the Board to consider its first item of business, which was approval of the September 25, 2014, meeting minutes.

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

**UPDATE ON FINAL REGULATION: STANDARDS FOR SURFACE FACILITIES
(Section 106.4):**

Acting Chairman Stefanko updated the Board on the rulemaking. He had hoped to have a final regulation ready for vote today, but due to the administration transition and the reviews and approvals necessary before the regulation can be approved and final, this was not possible. The regulation has gone through the Independent Regulatory Review Commission (IRRC) and there were some minor comments, mostly for clarification.

Final rulemaking on Standards for Surface Facilities will be voted on at the June meeting.

**UPDATE/DISCUSSION ON DRAFT REGULATIONS: PERFORMANCE-BASED
CABLE SAFETY REQUIREMENTS:**

PCA developed a draft regulation on shielded cables and sensitive ground fault which was distributed to Board members for review prior to the meeting. Acting Chairman Stefanko asked if the UMWA had any comments or concerns that needed to be addressed at this meeting. He stressed the importance of getting this regulation started. He further stated that it is very early in the development of this regulation and changes will likely be made as the regulation moves through the process.

Frank Reidelbach relayed that Ron Bowersox had a presentation prepared for the meeting and that the Board should not move forward until Mr. Bowersox is present. Mr. Reidelbach, speaking on behalf of Mr. Bowersox, brought up the issue of 300 milli-amperes stating that Mr. Bowersox suggested changing the PCA proposal to a starting level of 125 instead. A fatality occurred on a 300 milli-amperes level, and the UMWA believes that 300 is too high of a level to start. Charles Shaynak commented that, if moved to a lower level, equipment could not be operated. Mr. Reidelbach requested that further discussion be tabled until Mr. Bowersox is present to make his prepared presentation.

Mr. Bowersox's presentation will be included on the agenda for the next meeting. If anyone else would like to do a presentation, it is requested that they let Allison Gaida know at least three weeks prior to the next meeting in order to allow for adequate time to prepare for the meeting.

After a lengthy discussion, Acting Chairman Stefanko asked that the Board discuss this regulation at the next meeting, when all members are present to provide input.

EMERGENCY MEDICAL TECHNICIAN TRAINING – MINERS:

Chapter 6, Emergency Medical Personnel, Section 606 of the BCMSA concerning Emergency Medical Technician -- Acting Chairman Stefanko met with Mr. John Englert, EMT Licensure Coordinator for the Department of Health (DOH) regarding an EMT licensure for miners. Mr. Englert is willing to come and talk to the Board regarding the different levels of EMTs. Mr. Englert contacted West Virginia and was notified that EMT-M (miner) is going to be replaced with Industrial EMT, which is currently under development. Mr. Englert is going to follow up on the Industrial EMT and, once developed, this will be shared with the Board. It may be possible for Pennsylvania to get reciprocity for an Industrial EMT.

Board members requested that Mr. Englert make a presentation at the next meeting. Acting Chairman Stefanko agreed to make these arrangements with Mr. Englert.

MSHA FINAL RULE ON PROXIMITY DETECTION SYSTEMS FOR CONTINUOUS MINING MACHINES IN UNDERGROUND COAL MINES:

Acting Chairman Stefanko opened this topic for discussion. The MSHA Rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines was issued January 15 and will be final on March 17.

John Gallick made a motion that, assuming there are no challenges to the MSHA final rule within the appeal period, the Board move forward with developing a regulation regarding proximity incorporating the MSHA rule. Stan Popich seconded the motion. All were in favor and the motion passed unanimously.

DISCUSSION ON POTENTIAL FUTURE REGULATIONS

Acting Chairman Stefanko outlined the three topics the Board is presently working on:

1. Performance-Based Cables
2. MSHA's Final Rule on Proximity Detection Systems
3. EMT Training for miners

OVERVIEW OF REGULATORY REVIEW PROCESS:

Laura Edinger, DEP Regulatory Coordinator, was to review this process with the Board. Due to illness, Laura was unable to attend this meeting and will provide this overview at the next meeting.

OTHER BUSINESS:

Acting Chairman Stefanko asked if there were any other issues the Board would like to consider.

PUBLIC COMMENTS:

Acting Chairman Stefanko asked the members of the public in attendance for comments. No public comments were brought forward.

ADJOURNMENT:

With no further business to discuss,

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

The Board adjourned at 10:59 a.m. The next Board meeting will be held in June (date to be determined) at 10:00 a.m. at the DEP Cambria Office in Ebensburg.