



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

# **COMMENT AND RESPONSE DOCUMENT**

## **UNDERGROUND COAL MINE SAFETY; STANDARDS FOR SURFACE FACILITIES**

25 Pa. Code Chapter 208 (relating to Underground Coal Mine Safety)  
See 44 Pa. B. 5191 (August 02, 2014)  
Board of Coal Mine Safety Regulation #7-488  
(Independent Regulatory Review Commission #3067)

## Pennsylvania Underground Coal Mine Safety Regulations

On August, 02, 2014, the Board of Coal Mine Safety (Board) published a notice of a proposed rulemaking concerning amendments to 25 Pa. Code Chapter 208 (relating to underground coal mine safety). See 44 *Pa. B.* 5191 (August 02, 2014). The Board proposed to add regulatory provisions to Chapter 208. These additions include §§ 208.72 – 208.303 (relating to Standards for surface facilities) as well as the definitions of “Barricaded,” “Berm,” “Certified or registered,” “Flash point,” “Qualified person,” “Roll protection,” “Safety can,” and “Trailing cable” to read as set forth in Annex A. This rulemaking will codify existing federal regulations, thereby making them independently enforceable by the Commonwealth.

This rulemaking implements existing Federal regulations that broadly relate to the surface work areas of underground coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low-voltage and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing Federal regulations will become independently enforceable in this Commonwealth.

The Board received no submittals from commentators regarding the proposed underground coal mine safety regulations during the public comment period. The Board received two comments from the Independent Regulatory Review Commission (IRRC). This document summarizes the written comments received and provides the Board’s responses to each comment.

## **Training programs; slopes and shafts – approval of plans; explosives and blasting - general**

**Comment:** The Board states that the provisions of 30 CFR 77.107 (relating to training programs) are “incorporated by reference, with the *exception* that [the Mine Safety and Health Administration within the United States Department of Labor (MSHA) will approve the training program.” [Emphasis added.] Since the regulated community must comply with 30 CFR 77.107, which requires that the Secretary of the Interior approve the training programs, the proposed language is not an *exception*, but rather an *additional* requirement. We recommend that the Board clarify its intent to require that training programs be approved by MSHA in addition to the existing Federal provision.

This comment applies similarly to Sections 208.391 (relating to slopes and shafts; approval of plans) and 208.406 (relating to explosives and blasting; general)

**Response:** Upon review of the Commission's comment, the Board removes the proposed exception to Sections 208.108 and instead incorporates in full the Federal provision at 30 CFR 77.107 to clarify that the final form regulation is consistent with the Federal provision. The final-form rulemaking will require operators to seek approval of training programs from the Secretary of Labor “or his delegate.” See 30 CFR 77.2 (Definitions) ((aa) *Secretary* means the Secretary of Labor or his delegate.).

Regarding Section 208.391, operators currently are required to submit plans related to slope and shaft safety for the Department’s approval; the Department accepts for approval plans submitted to MSHA pursuant to 30 CFR 77.1900. The final form regulation clarifies that although Section 208.391 incorporates the Federal provision, the Department retains independent approval authority over such plans.

Regarding Section 208.406, operators currently are required to comply with 25 Pa. Code Chapters 210 and 211 (relating to blasters' licenses; and storage, handling and use of explosives). The final form regulation clarifies that although Section 208.406 incorporates the Federal provision, operators must still comply with the applicable Pennsylvania regulations regarding explosives and blasting.

## **Transportation of persons; overcrowding**

**Comment:** The proposed rules have a provision that requires an operator to submit to DEP a copy of any “application, report, plan or other material submitted to MSHA pursuant to a regulation” either where submission is required by the Pennsylvania regulations or at the request of MSHA. While the proposed regulation appears to be limited to those items already submitted to MSHA, we believe that the regulation is unnecessary because the BCMSA contains the provisions of what must be provided to the DEP and to miner representatives. (3)

**Response:** Upon review of the Commission's comment, the Board removes the proposed exception to Sections 208.364, and instead incorporates in full the Federal provision at 30 CFR 77.1604 to clarify that the final form regulation is consistent with the Federal provision.