

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
September 13, 2016 – 10 a.m. – Ebensburg, PA

BOARD MEMBERS

John Stefanko, DEP, Executive Deputy Secretary for Programs
John Gallick, PCA
Stan Popich, PCA
Charles Shaynak, PCA, Consol
Frank Reidelbach, UMWA
James Sabella, UMWA

OTHERS PRESENT

R. Henry Moore, Jackson-Kelly
Ben Stock, Rosebud Mining
Tanner Lowmaster, Rosebud Mining
Jake Wells, Rosebud Mining
Will Dando, PCA
Don Foster, LCT Energy, LP
Chris O’Neil, Consol
Laura Edinger, DEP Policy Office
Joe Iole, DEP, Regulatory Counsel
Craig Carson, DEP, Director, Bureau of Mine Safety
Richard Wagner, 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:

John Stefanko, DEP Executive Deputy Secretary for Programs and Acting Chairman of the Board of Coal Mine Safety called the meeting to order at 10:10 a.m. Introductions were made around the room. Board member Ron Bowersox was at the MSHA Academy in Beckley, WV, and was not in attendance.

Acting Chairman Stefanko asked the Board to consider its first item of business, which was approval of the July 7, 2016, meeting minutes.

John Gallick moved to adopt the minutes to the Board. Frank Reidelbach seconded the motion, which was unanimously approved by the Board.

PROPOSED RULEMAKING ON SENSITIVE GROUND FAULT:

Acting Chairman Stefanko stated that the definition changes discussed at the previous meeting had been made and distributed to the Board prior to this meeting. When he asked the Board if there were

any changes or concerns to what had been distributed, John Gallick recommended the following revisions:

1. Recommend the following amendments to the Preamble.

a. Amend D. Background and Purpose on page 2, paragraph 3 to read as follows:

This proposed rulemaking is more stringent than federal regulations, ~~but is less stringent than recent federal best practice recommendations.~~ The federal Mine Safety and Health Administration (MSHA) regulation at 30 CFR 75.901(a) requires a ground fault current limit (trip setting) of 25 Amperes or less, and a MSHA policy manual recommends that the device be adjusted to operate at not more than 50 percent of the current rating of the grounding resistor. ~~However, a recent MSHA Safety Alert (published on February 4, 2015) recommended sensitive ground fault relays with instantaneous trip setting of 125 milli-amperes or less.~~

2. Recommend the following amendments to the Regulatory Analysis Form

a. Amend (11) to read as follows:

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

This proposed rulemaking is more stringent than federal regulations, ~~but is less stringent than recent federal best practice recommendations.~~

The federal Mine Safety and Health Administration (MSHA) regulation at 30 CFR 75.901(a) requires a ground fault current limit (trip setting) of 25 Amperes or less, and an MSHA policy manual recommends that the device be adjusted to operate at not more than 50 percent of the current rating of the grounding resistor. ~~However, a recent MSHA Safety Alert (published on February 4, 2015) recommended sensitive ground fault relays with instantaneous trip setting of 125 milli-amperes or less.~~

The proposed rulemaking requires a trip setting of 300 milli-amperes or less nominally, except in the case of circuits powering equipment using variable speed drives, in which case, if nuisance tripping occurs at 300 milli-amperes, the operator may adjust the setting no greater than the lower value of 500 milli-amperes or one half of the neutral ground resistor's current rating. The need for improved miner safety from electrical hazards and that a practical and commercially available means of providing improved safety exists present a compelling Pennsylvania interest that calls for stronger regulation.

b. Amend (12) to read as follows:

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed rulemaking is industry-leading regulation that is more stringent than those of other states. ~~However, it is not more stringent than MSHA recommended best practices. Regardless,~~ the industry lead Final Report concluded that more sensitive ground fault relays,

with the settings that this proposed rulemaking would require, “is practical, commercially available, and provides a significant enhancement to the safety of miners....”

c. Amend (26) to read as follows:

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board considered various adjusted settings of the ground fault detection devices and determined that on most systems, a setting of 300 milli-amperes is the lowest value that could be maintained without frequent nuisance tripping. For equipment utilizing variable-speed drives, which are more prone to nuisance tripping, operators may adjust the setting up to the lesser of 500 milli-amperes or one half of the neutral ground resistor’s current rating.

The Board chose these settings in light of federal regulation requiring a maximum setting of 25 Amperes, ~~and a federal recommended best practice of 125 milli-amperes. The former of which the Board determined to be unsafe, and the latter too low to functionally operate the machinery powered by the load centers.~~

Moreover, Section 334(b)(c) requires that the industry study various means of achieving greater cable safety. Implementation of sensitive ground fault devices is the first product of these studies.

During the discussion, John Gallick also brought up a recommended language change in (26) of the Regulatory Analysis Form in the third paragraph above to read ‘in lieu of’ instead of ‘in light of’.

Even though the Board agreed to leave the language in the first sentence under the Implementation Schedule in Annex A ‘as is’ for now, John Gallick requested the minutes reflect that these regulations are effective immediately only for newly purchased load centers.

A motion was made by Stan Popich to accept the proposed regulation on Sensitive Ground Fault subject to the minor languages changes mentioned above. Frank Reidelbach seconded the motion which was unanimously approved by the Board.

EMT-INDUSTRIAL DISCUSSION:

Acting Chairman Stefanko reiterated that an EMT-Industrial certification can only be accomplished through a statutory amendment. Chuck Shaynak distributed the PCA’s proposed revision to Section 602, Emergency Medical Personnel. The revision included adding the following training courses for medical responders, in addition to successfully completing the course on emergency first aid care and transportation of the sick and injured recommended by the American Academy of Orthopedic Surgeons or an equivalent organization and being certified by the Department of Health as an emergency medical responder:

1. Patient assessment management – splinting, extremity manual, rigid, soft vacuum
2. Spine care – restrict spinal motion – helmet removal or stabilization

3. Spine care – devised to restrict spinal motion – for example, vacuum mattress, extrication devices, scoop stretcher and spine board

Acting Chairman Stefanko walked through the process for amending a statute. PCA may work with the legislature to introduce a bill proposing to amend the statute. Once the bill is introduced, the Board would send a letter in support of the amendment.

DISCUSSION OF POTENTIAL FUTURE REGULATIONS:

Acting Chairman Stefanko asked the Board for suggestions for issues they may like to address in the future through regulation. John Gallick mentioned Reportable Accidents, specifically, a better way to clarify what is considered to be ‘reportable accidents’ for the 15-minute call timeframe.

A motion was made by Stan Popich for the Board to move forward with discussing a proposed regulation for Reportable Accidents. The motion was seconded by Jim Sabella. All were in favor and the motion carried.

Acting Chairman Stefanko offered that DEP would provide any information they have for the Board to discuss this issue at the next meeting.

Bureau Director Craig Carson asked if the Board would consider the issue of consolidating required ventilation plans into one package to simplify the entire plan approval process as a future agenda item.

A motion was made by Frank Reidelbach for the Board to add the issue of consolidating the submittal of ventilation plans to the Department into one package as a proposed future regulation. John Gallick seconded the motion. All were in favor and the motion carried.

Director Carson will put together something for the Board to reference at the next meeting.

Frank Reidelbach asked if there was any further update on the proposed rulemaking on proximity detection systems. Acting Chairman Stefanko and Laura Edinger of the Policy Office gave a brief update. DEP had decided to delay this rulemaking to see if the interference issue discussed at the July meeting could be resolved. The final rulemaking package should be available for the Board at the December meeting.

NEW REGULATIONS BOOK:

The Chapter 208 regulation booklets and supplemental guide have been printed by the DEP Environmental Print Shop and were distributed to Board members. Acting Chairman John Stefanko explained that the books are being printed in-house for a quick turnaround for orders and revisions. The booklets are available at the DEP Environmental Print Shop and can be obtained by calling the New Stanton DMS office.

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. None were voiced.

ADJOURNMENT:

With no further business to discuss,

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

The meeting adjourned at 10:46 a.m. The next Board meeting will be held on December 13, 2016, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.