

**MINUTES**  
**BOARD OF COAL MINE SAFETY**  
**DEP Cambria Office**  
**December 8, 2015 – 10 a.m. – Ebensburg, PA**

**BOARD MEMBERS**

John Stefanko, Acting Chairman, Executive Deputy Secretary for Programs  
John Gallick, PCA  
Stan Popich, PCA, Rosebud Mining Company  
Charles Shaynak, PCA, Consol  
Ron Bowersox, UMWA  
Frank Reidelbach, UMWA  
James Sabella, UMWA

**OTHERS PRESENT**

Jim Public, Alpha  
R. Henry Moore, Jackson-Kelly  
Laura Edinger, DEP Policy Office  
Joe Iole, DEP, Regulatory Counsel  
Craig Carson, DEP, Acting Director, Bureau of Mine Safety  
Jeffrey Kerch, DEP, Bureau of Mine Safety  
Arthur Brower, DEP, Bureau of Mine Safety  
Jeffrey Stanchek, DEP, Bureau of Mine Safety  
Allison Gaida, DEP, Bureau of Mine Safety

**CALL TO ORDER AND APPROVAL OF MINUTES:**

Acting Chairman John Stefanko, DEP Executive Deputy Secretary for Programs, called the meeting to order at 10:05 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg. He informed the Board that Richard Morrison is retiring December 25, 2015, and he would again resume overseeing the Active and Abandoned Mine Operations Deputate. Acting Chairman Stefanko asked for introductions around the room.

Acting Chairman Stefanko asked the Board to consider its first item of business, which was approval of the September 8, 2015, meeting minutes.

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

**PROXIMITY DETECTION SYSTEMS PROPOSED RULEMAKING:**

At the previous meeting a motion had been made to move forward in the rulemaking process to incorporate MSHA's rule on proximity detection systems into Pennsylvania regulation. The Board directed DEP to draft the proposed rulemaking package on proximity detection systems for

continuous mining machines in underground coal mines. Assistant Counsel Joe Iole developed the proposed rulemaking package which was distributed to the Board prior to the meeting.

**A motion was made by Stan Popich to adopt the proposed rulemaking on proximity detection systems as written. Ron Bowersox seconded motion, which was unanimously approved by the Board.**

### **UPDATE ON STATUS OF FINAL REGULATION – STANDARDS FOR SURFACE FACILITIES:**

The Independent Regulatory Review Commission (IRRC) unanimously approved the Final Rulemaking on Standards for Surface Facilities on November 12, 2015. Will Dando, PCA, attended on behalf of the Board. The regulation was reviewed and approved by the Office of Attorney General and the final rulemaking will be published in the *Pennsylvania Bulletin* on December 19, 2015 at which time the rulemaking will go into effect. The final regulation will be distributed as outlined in Section 106.3 of the Pennsylvania Bituminous Coal Mine Act.

Acting Chairman John Stefanko informed the Board that the Department is in the process of developing a reference publication of new regulations.

### **EMT-INDUSTRIAL DISCUSSION:**

Information on the National Emergency Medical Services certification was provided to Board prior to the meeting. The Board learned that the Emergency Medical Technician (EMT) requirements the Board would like to see changed are statutory, so the Board cannot propose a regulation to make said amendments. DEP noted that the agency would support a statutory change to amend that section. John Gallick suggested that DEP, PCA, and UMWA review Article 6 of the Safety Laws of Pennsylvania for Underground Bituminous Coal Mines and determine what type of proposed statutory changes could be made. If all are in agreement, a letter could then be drafted, jointly signed, and presented to the legislature.

Board members will work with DEP to schedule an informal meeting between all parties to discuss.

**John Gallick made a motion to create a subcommittee to develop proposed language of Article 6 of the Bituminous Coal Mine Act. Ron Bowersox seconded the motion which was unanimously approved by the Board.**

### **DRAFT PROPOSED RULEMAKING - SENSITIVE GROUND FAULT:**

Acting Chairman John Stefanko requested the Board make a motion to proceed to the next step in the rulemaking process for performance-based cable safety requirements. He opened the floor for the Board to discuss the draft proposed regulation submitted by the PCA on sensitive ground fault.

Ron Bowersox, representing UMWA, identified two areas of the draft proposal that he offered up for amendment:

- Sensitive Ground Fault (b) – He suggested that a book be kept at the power box to record tripping and how often, as well as the date and signature of mechanic for the purpose of documenting the justification that ground fault is set above 300 milli-amperes.
- Implementation Schedule (b) –
  - Include wording to include ‘new mine opening’ (later identified as a mine requiring a new mine ID).
  - Change 60 to 36 months (DEP can include a variance if more time is necessary)

A lengthy discussion ensued regarding UMWA’s suggestion of a book to record ground fault above 300 milli-amperes. The conversation focused on processes that are currently in place. John Gallick noted that an electrical permissibility book is filled out weekly. It would be understood that every time the ground fault was set above 300 milli-amperes, that would be entered in the book. He suggested operating using this existing process rather than adding another book or another step. These permissibility checks are done by mechanics weekly and the book is kept on the surface. Ron Bowersox noted that he understands that this process is in place already but that it would be preferable to have a log book underground where every instance of raising the ground fault could be documented, allowing patterns in the data to emerge. This could provide valuable information for those working underground to improve safety. He noted that having daily communication regarding sensitive ground fault is important.

Discussion continued regarding how to best communicate this information and what should be included in the regulation regarding this communication. Conversation included a possible informal process that is not codified in regulation may accomplish the goals of all on the Board. Ultimately, the Board agreed that adjustment made on any given shift should be communicated to the oncoming shift; however, Board members were divided on the method of communication.

The Board agreed to allow DEP to develop language concerning communications and provide edits to the draft proposed regulation.

John Gallick suggested that the Board follow three objectives when communicating this information:

1. One official record is used
2. Performance/not prescriptive statement
3. Keep it simple and easy to follow and maintain

The draft regulation submitted by the PCA will be moved forward to DEP to develop amendments of today’s discussions and will be brought back to the Board at the next meeting. Joe Iole will revise the draft. After the Board accepts the draft proposed regulatory language, DEP will assemble the full rulemaking package for the Board to consider at a later meeting.

**Frank Reidelbach made a motion for DEP to amend the draft regulation on sensitive ground fault that was submitted by the PCA and reviewed by UMWA, considering all comments, to bring back the amended draft proposed regulation to the next meeting for Board consideration. The motion was seconded by Chuck Shaynak, and the Board unanimously agreed.**

## **BUREAU OF MINE SAFETY DIRECTOR POSITION:**

Acting Chairman Stefanko informed the Board that Robert Robinson returned to his former position at Consol. Therefore, Craig Carson continues to serve the Bureau as the Acting Director. Acting Chairman John Stefanko commended Craig on the great job he is doing.

In the absence of a Deputy for Active and Abandoned Mine Operations, Acting Chairman John Stefanko will continue to serve in this position until a replacement is named.

## **OTHER BUSINESS:**

Acting Chairman Stefanko asked if there were any other issues the Board would like to consider. No other issues were brought forth.

## **PUBLIC COMMENTS:**

Acting Chairman Stefanko asked the members of the public in attendance for comments. Hank Moore, Jackson-Kelley asked if the DEP could provide the draft sensitive ground fault regulation to the Board 30 days prior to the next meeting. DEP committed to having a draft submitted to all Board members 30 days prior to the next meeting. Acting Chairman John Stefanko suggested that Board members contact Allison Gaida if they require a conference call.

## **FUTURE MEETING DATES:**

Future dates were scheduled prior to the meeting to comply with the Pennsylvania *Bulletin* deadline. The meeting dates for 2016 are:

March 8  
June 14  
September 13  
December 13

The 2016 meetings will be held in the DEP Cambria Office in Ebensburg.

## **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 11:37 a.m. The next Board meeting will be held on March 8, 2016, at 10:00 a.m. at the DEP Cambria Office in Ebensburg.