

**MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria
Office**

June 11, 2019 – 10 a.m. – Ebensburg, PA

VOTING BOARD MEMBERS PRESENT

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mining Operations
Bobby Bodenschatz, PCA
Joseph Zelanko, PCA
Todd Moore, CONSOL Energy
Ron Bowersox, UMWA
Frank Reidelbach, UMWA
Jim Sabella, UMWA

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Richard Wagner, DEP, Acting Director, Bureau of Mine Safety
Mary Martha Truschel DEP, Office of Chief Counsel
Joe Iole, DEP, Regional Counsel
Laura Edinger, DEP Policy Office
Charles Washlack, DEP, Bureau of Mine Safety
Arthur Brower, DEP, Bureau of Mine Safety
Dustin Mowery, DEP, Bureau of Mine Safety
Peggy Scheloske, DEP, Bureau of Mine Safety

OTHERS PRESENT

Tanner Lowmaster, Rosebud Mining
R. Henry Moore, Jackson Kelly/PLLC
Stan Popich
Ben Stock, Rosebud Mining
Jake Wells, Rosebud Mining

CALL TO ORDER AND APPROVAL OF MINUTES

John Stefanko, DEP Deputy Secretary for Active and Abandoned Mining Operations and Acting Chairman of the Board of Coal Mine Safety called the meeting to order at 10:03 a.m. in the DEP Cambria Office, Conference Room 1A/B in Ebensburg.

The Board considered its first item of business which was approval of the March 5, 2019, meeting minutes.

Ron Bowersox moved to adopt the minutes to the Board. Bobby Bodenschatz seconded the motion. The motion was unanimously approved by the Board, and the minutes were adopted as presented.

Miner Certification Plan Proposal

Acting Chairman Stefanko reported that, at the last meeting, the Board discussed how the miner certification process could work in Pennsylvania. He noted that the Bureau is currently in transition. Richard Wagner is serving as Acting Director and, in the interim, the Department hired the Deloitte company to evaluate and report on the Bureau of Mine Safety's staffing needs. The report is complete and there are some recommendations regarding certification and emergency programs. The Department is reviewing the recommendations and plans to incorporate them into a proposal regarding certification to be presented to the Board at a later date.

Development of New Regulation – e-cigarettes

Acting Chairman Stefanko reported that in the intervening time between Board meetings, and before Director Carson left, he started a conversation about potentially developing regulatory amendments to Chapter 208 to address prohibiting the use of e-cigarettes in underground mines to enhance the safety of miners. Board meeting materials today included draft regulatory language for the Board to discuss. The Department inquired if the Board would like to pursue these regulatory amendments.

A motion was made by Jim Sabella to move forward with the development of a regulatory amendment regarding e-cigarettes, Todd Moore seconded the motion which was then unanimously approved by the Board.

Reportable Accidents

Acting Chairman Stefanko reported that at the last meeting, a motion failed to move forward the existing draft proposed language from the Pennsylvania Coal Alliance and the members agreed to meet again to review the language. The Board members who participated in that discussion reported that they agreed to recommend using the language developed by the Supreme Court to modify Item #17 of the Department's current Technical Guidance document and not propose a regulatory change. This would involve changing the current language to read: "All other incidents that could cause similar results as the items listed above". The Department will present the modification to the current TGD via email for comments and then put it thru the TGD approval process.

OTHER BUSINESS

Acting Chairman Stefanko reported that he and Acting Director Wagner will be attending a meeting with MSHA and other states at the Interstate Mining Compact Commission in July and he will report to the Board any relevant items. There is a possibility of cancelling the September meeting if there are no agenda items. Acting Chairman Stefanko asked if there was any other business the Board would like to consider or any new proposed regulation or items for consideration at this time. A brief discussion ensued regarding drug and alcohol testing of miners and how corresponding violations and penalties are managed. The Department can determine the number of times this is reported and what action can be taken

using existing statutes, regulations, and policies. No additional business was brought forward.

PUBLIC COMMENTS

Acting Chairman Stefanko asked the members of the public in attendance if they would like to provide any other comments. There were no public comments.

ADJOURNMENT

With no further business to discuss,

Bobby Bodenschatz made a motion to adjourn the meeting. Joseph Zelanko seconded this motion, which was unanimously approved by the Board.

The meeting adjourned at 10:35 a.m. The next Board meeting will be held on September 3, 2019, at 10 a.m. at the DEP Cambria Office in Ebensburg.