

MINUTES
BOARD OF COAL MINE SAFETY
DEP Cambria Office
September 4, 2018 – 10 a.m. – Ebensburg, PA

VOTING BOARD MEMBERS PRESENT

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mining Operations
John Gallick, PCA
Joseph Zelanko, PCA
Frank Reidelbach, UMWA
Jim Sabella, UMWA

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Colvin C. Carson, DEP, Director, Bureau of Mine Safety
Richard Wagner, DEP, Bureau of Mine Safety
Mary Martha Truschel DEP, Office of Chief Counsel
Joe Iole, DEP, Regional Counsel
Laura Edinger, DEP Policy Office
Jeffry Kerch, 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

Dan Kane, UMWA
Todd Moore, CONSOL Energy
Hank Moore, Jackson Kelly PLLC
Robert Bodenschatz, Corsa Coal
Will Dando, PCA

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 10:19 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 6, 2018, meeting minutes.

John Gallick moved to adopt the minutes to the Board. Frank Reidelbach, seconded the motion. The motion was unanimously approved by the Board, and the minutes were adopted as presented.

EMT/EMR Legislation (Act 16 of 2018)

Acting Chairman Stefanko stated that the EMT/EMR legislation was passed on April 28th and is now Act 16 of 2018. The final statutory language is included with the meeting materials for this meeting. The language notes that an emergency medical responder is a coal mine employee who complies with all of three criteria – the third criterion is “has successfully completed any additional courses required by regulation of the board.”

This language provides the Board with an opportunity to establish additional EMR criteria through regulation. The Acting Chairman asked if there was any interest in adding anything to the regulation at this time. The members present indicated that once they have had a chance to consider and discuss what those criteria may be, it can be revisited at a future date.

Miner Certification Plan Proposal

Acting Chairman Stefanko indicated, that at the last meeting, the Board requested that DEP provide an outline of how the miner certification process would work with electronic exams. A proposed Miner Certification Process was included with the meeting materials. Acting Chairman Stefanko explained that the proposal was a two-phased approach. First, the Bureau of Mine Safety (BMS) inspector would ask the applicant a couple of basic questions to verify that the apprentice miners know the escapeways, SCSR caches and locations of rescue chambers. Then, the miner would be scheduled for the computerized test located in New Stanton.

Acting Chairman Stefanko asked the Board if there were any questions regarding the Miner Certification Plan Proposal. A discussion ensued regarding whether the required time outlined in Section 205 and Section 202 must be acquired in a Pennsylvania mine. DEP BMS Director Carson stated that experience in an out of state mine will count towards the required experience.

Joseph Zelanko asked if testing online was a possibility or perhaps the mine inspector could give the computerized test onsite, avoiding the need to take time away from work to travel to New Stanton. Acting Chairman Stefanko explained that the ultimate goal for the second phase is to have the test be electronic and more mobile, either offered online or possibly inspectors bringing computers to the mine.

A clarification was made that mine official examinations are presently administered by computer at the New Stanton office and miners are tested for miner and machine operator papers at the mine site. Some inspectors give paper tests and some meet with miners individually and ask questions.

Acting Chairman Stefanko suggested that we could consider a universal paper test as an immediate step and then ultimately do it electronically.

Mr. Gallick mentioned that as a practical hiring matter, some miners received their papers before they came to the mine, and then they were observed.

There was further discussion regarding the content of the examination. Director Carson explained that there would be 50 questions out of a pool of 100. These questions and the questions for the certified mine official exam will be available online. Acting Chairman Stefanko stated that the questions will be reviewed to ensure that they reflect what is being done in the mines today. There is currently a board that reviews the questions for the certified mine official exam. The Department wants papers and certifications, but also wants to provide the miners with the information they need to pass the test.

Discussion continued regarding how and where to administer tests to mutually benefit miners who need to take the tests and operators and Department officials who are administering the tests. Travel and time away from work were noted as concerns that need to be addressed through the development and modification of these processes. Acting Chairman Stefanko asked everyone in attendance to consider possible solutions now and going forward and noted that the Department would further discuss this internally. Specifically, he would solicit feedback from the Department's IT professionals to brainstorm a potential solution for online testing..

Acting Chairman Stefanko committed to adding more details to the proposal regarding the process. Miners' papers and certified mine official certification will be split out so everyone understands what each one entails and will better outline the steps going forward taking into consideration the discussion from today. He asked those present to have internal discussion with their respective organizations and report back to the Board Liaison, Peggy Scheloske, within one month regarding their thoughts on testing at the sites, so that we can prepare an outline.

Will Dando asked if it would be necessary to formalize this with a regulation or TGD and the Chairman confirmed that this would be just a standardized process to be followed when someone would like to become certified. Acting Chairman Stefanko reminded the Board that this was not a regulation, but a standard operating procedure.

Reportable Accidents

The PCA draft proposal of Reportable accidents regulation was presented. John Gallick recommended that the Board defer the discussion and action on this item until the next meeting where all members could be present. The members present agreed.

OTHER BUSINESS

Acting Chairman Stefanko asked if there was any other business the Board would like to consider. No other 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,

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

The meeting adjourned at 10:56 a.m. The next Board meeting will be held on December 4, 2018, at 10 a.m. at the DEP Cambria Office in Ebensburg.