

**BOARD OF COAL MINE SAFETY**  
**Surface Regulations Subcommittee**  
**Cambria District Mining Office**  
**August 20, 2013 – 10:30 a.m. – Ebensburg, PA**

**SUBCOMMITTEE MEMBERS**

John Stefanko, DEP, Deputy Secretary for Active and Abandoned Mine Operations,  
alternate for Chairman Christopher Abruzzo, Acting DEP Secretary  
Stan Popich, Rosebud Mining Company  
Ron Bowersox, United Mine Workers of America

**OTHERS PRESENT**

Joseph Scaffoni, Director, DEP Bureau of Mine Safety  
Craig Carson, Program Manager, DEP Bureau of Mine Safety  
Michele Tate, DEP, Policy Office  
Robert Reiley, DEP, Office of Chief Counsel  
Andrew Jenkins, DEP Office of Chief Counsel  
Jim Lamont, United Mine Workers of America  
Susana Cortina, DEP, Office of Chief Counsel  
Tom Callahan, DEP Mining Programs  
R. Henry Moore, Jackson Kelly/PCA  
Allison Gaida, DEP Bureau of Mine Safety

**DRAFT REGULATIONS: STANDARDS FOR SURFACE FACILITIES:**

Using the table provided to subcommittee members which identified provisions in 30 CFR Part 77 Subparts A- T (excluding Subparts D, F, H, I, L, N and O) that were not included in the draft proposed rulemaking, subcommittee members discussed the following items for potential inclusion in a draft proposed rulemaking to address Standards for Surface Facilities at underground bituminous coal mine sites:

**30 CFR § 77.2 Definitions**

Subcommittee members agreed to include definitions for “*Barricaded*”, “*Berm*” and “*Flash Point*”, as provided in 30 CFR § 77.2, in a draft proposed rulemaking.

**30 CFR Part 77 Subpart B – Qualified and Certified Persons**

Subcommittee members agreed to include § 77.106, as is, in a draft proposed rulemaking and 77.107 and 77.107.1, with certain modifications.

**30 CFR Part 77 Subpart C – Surface Installations**

Subcommittee members agreed that provisions in § 77.214 thru § 77.217, pertaining to refuse piles and impoundments, should not be included in the draft proposed rulemaking but noted that a comparison by Department staff of the federal provisions as they relate to current requirements under 25 *Pa Code* Chapters 86, 89 and 90 would be helpful to guide the subcommittee on their final recommendation. In response, Department staff agreed to provide such information to the subcommittee prior to its next meeting.

### **30 CFR Part 77 Subpart E – Safeguards for Mechanical Equipment**

Subcommittee members agreed that § 77.403.1(a) will be included and modified to clarify that the provision is applicable to the surface areas of underground mines. Further clarifications will also be made to indicate that MSHA approval of rollover protective structures must be obtained. It was agreed that § 77.403.1(b) – (g) would not be included in the draft proposal as well as § 77.403.2. It was agreed that § 77.409 will be included in the draft proposal.

### **30 CFR Part 77 Subpart G – Training Cables**

Stan Popich suggested that the term “trailing cables” be defined and that the applicability of provisions in 30 CFR Part 77 Subpart G be furthered discussed.

### **30 CFR Part 77 Subpart J – Low and Medium Voltage Alternating Current Circuits**

Subcommittee members agreed that 30 CFR § 77.906 should be included in a draft proposal, subject to additional discussion by the Board, including an appropriate definition for “surface facility”.

### **30 CFR Part 77 Subpart K – Ground Control**

It was agreed that Department staff would complete a side-by-side comparison of *25 Pa Code* Chapters 87 and 209a as they relate to provisions in 30 CFR § 77.1000 thru 77.1013 and provide that information to the subcommittee for its consideration prior to the next meeting.

### **30 CFR Part 77 Subpart M – Maps**

It was agreed that Department staff would complete a comparison of *25 Pa Code* Chapters 89 and 90 as they relate with provisions in 30 CFR § 77.1200 thru 77.1202 to determine what federal provisions should be included or supplemented in a draft proposed rulemaking.

### **30 CFR Part 77 Subpart P – Auger Mining**

Subcommittee members discussed the applicability of auger mining as it may relate to a draft proposed rulemaking. Subcommittee members agreed that since auger mining is defined as a surface mining activity, it would not be appropriate to include such provisions in a draft proposed rulemaking.

### **30 CFR Part 77 Subpart Q – Loading and Haulage**

With regard to provisions in § 77.1600 thru 77.1608, subcommittee members agreed that requirements associated with loading and haulage should be included in the draft proposed rulemaking, subject to further analysis and discussion.

### **30 CFR Part 77 Subpart R – Miscellaneous**

Pertaining to provisions in § 77. 1701 thru 77.1713, the subcommittee agreed to not include those provisions in the draft rulemaking, with the exception of § 17.1710-1, which will need to be modified and § 77. 1711.

### **30 CFR Part 77 Subpart T – Slope and Shaft Sinking**

Subcommittee members discussed § 77.1910(b) and agreed to retain the last sentence of the provision for the proposed rulemaking but eliminate all other language. With regard to proposed Section 208.239 of the draft proposed rulemaking, subcommittee members discussed

including language that clarifies that the Department will approve plans relating to slopes and shafts. In response, subcommittee members representing the Pennsylvania Coal Alliance indicated they would develop language for discussion at the next subcommittee meeting.

**NEXT STEPS**

John Stefanko indicated to subcommittee members that he would provide an update of topics discussed at the subcommittee meeting with the Board, which is scheduled to meet on September 17, 2013. He also advised that another meeting of the subcommittee will be scheduled after the September 17, 2013, Board meeting.

**ADJOURNMENT**

With no further business to discuss, the subcommittee concluded their meeting at 12:36 p.m.