



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF MINE SAFETY

716

March 18, 2011

Mr. Morgan W. Batton
MVI
P.O. Box 247
Dellslow, WV 26531

Re: Bailey BMX "1 Man Diesel Fuel Transfer System" Temporary Approval

Dear Mr. Batton:

Chapter 4 of the "Bituminous Coal Mine Safety Act" (the Act) provides for the use of diesel-powered equipment in underground bituminous coal mines. Section 424 of the Act created a Technical Advisory Committee ("TAC") for the purpose of advising the Department regarding the implementation of Chapter 4 and evaluation of alternative technology or methods for meeting the requirements of Chapter 4.

On March 22, 2010, MVI submitted a request to the Bureau of Mine Safety (BMS) on behalf of Consol Energy for approval of the above referenced equipment. The Director of the BMS subsequently requested the TAC to evaluate the "1 Man Diesel Fuel Transfer System" and to advise the Department as to whether the referenced equipment meets the requirements of Section 403 of the Act.

On February 23, 2011, the TAC and BMS representatives traveled to the Bailey BMX Mine to inspect and evaluate the proposed system. Also included in the inspection was site specific lighting that has been installed in the underground diesel refueling facility.

The TAC issued a recommendation to the Bureau on March 11, 2011 recommending temporary approval of the above described "1 Man Diesel Fuel Transfer System" and operating procedures for the Bailey BMX Mine for a 30 day trial period. At the conclusion of the trial period, the TAC and BMS will review the results and recommend any necessary changes that will need to be made to the system. The TAC may recommend final approval of the system at the next scheduled TAC meeting on April 11, 2011.

The Bureau of Mine Safety grants temporary approval of the operation of the "1 Man Diesel Transfer System" at the Bailey BMX Mine for a 30 day trial period. The attached BMX "One Person Diesel Fueling Station" Operating Procedure should be strictly adhered to during the operation of the system.

If you have any questions regarding this matter, please call Michael T. McCaffrey at 724-425-3021.

Sincerely,

Joseph A. Scaffoni
Director
Bureau of Mine Safety

cc: Ron Bowersox
Paul Borchick

JAS:MTM:cd

bcc: Bookshar
Martin
McCaffrey
Antoon
Gaida
Dunn/TAC File

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