

MINUTES
BOARD OF COAL MINE SAFETY
October 26, 2010 - Uniontown, PA

BOARD MEMBERS

J. Scott Roberts, Deputy Secretary, Mineral Resources Management
Ron Bowersox, United Mine Workers of America
James Sabella, United Mine Workers of America
Frank Reidelbach, United Mine Workers of America
Albert Aloia, CONSOL Energy, Inc.
Stanko Popich, TJS Mining, Inc.

OTHERS PRESENT

Joseph Sbaffoni, Director, Bureau of Mine Safety
Daniel Lapato, Executive Policy Specialist, Policy Office
Richard Morrison, Attorney, Bureau of Regulatory Counsel
John Garcia, Rosebud Mining Company
Allison Gaida, Bureau of Mine Safety

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman John Hanger was unavailable for this meeting. Deputy Secretary Scott Roberts chaired the meeting in Chairman John Hanger's absence. Scott Roberts called the meeting to order at 10:05 a.m. in the Bureau of Mine Safety conference room, Fayette County Health Center, 100 New Salem Road, Uniontown, PA. All members of the Board were present.

The Board considered its first item of business – approval of the April 8, 2010, meeting minutes. Chairman Roberts called for a motion to adopt the minutes.

Albert Aloia moved to adopt the minutes. Ron Bowersox seconded the motion, which was unanimously approved by the Board.

OLD BUSINESS

Adopting Federal Provisions on Shelters, Communication, and Tracking

Chairman Roberts explained that the provisions on shelters, communications, and tracking has been sent out for comments period, but not all paperwork has been through, and therefore, is not yet available for the Board to vote. The Board requested and will be provided with all comments and the Independent Regulatory Review Commission's (IRRC) review letter. Albert Aloia requested that the process for adopting regulations be explained. Chairman Roberts outlined the process for the Board as follows:

- The Board of Coal Mine Safety directs DEP to write regulations
- These are brought back before board and voted as proposed rulemaking

- The proposed regulations then go out for public comment
- After the public comment period is through, they go into the final regulation package
- The package goes through our internal clearances (Chief Counsel, Budget, etc.)
- When cleared, the package comes back to Board to be considered as final rulemaking
- The Board can adopt the package, or modify it, or not adopt it at this time

This package should be available for next Board meeting on December 15. It will then be voted on. The Board will be provided with the regulations prior to that meeting. Dan Lapato expects it to be out by mid-November.

Proposed Regulations - Automated External Defibrillators (AED) in Pennsylvania Mines

The Board voted at the last meeting to draft regulations on AEDs in Pennsylvania mines. The regulations were drafted and presented to the Board to determine whether it should be proposed with a 30-day comment period.

Stan Popich distributed suggested edits of the proposed regulations of Annex A, Section 208.70 (b) Training that the PCA Board representatives had agreed to. The Board discussed the edits and revised this section, also including the word ‘yearly’ to clarify when training should be received in the operation of the AED.

Ron Bowersox suggested a time period for the AEDs to be purchased and placed in the mines once the rulemaking was final. Richard Morrison explained that this would be included in the Preamble under ‘Effective Date’.

A redraft of Annex A was distributed to the Board.

A motion was made by Stan Popich to accept the proposal to adopt the proposed rulemaking Annex A as redrafted and add language in the Preamble to make the effective date 90 days after final-form publication in the Pennsylvania Bulletin. The motion was seconded by Ron Bowersox. All were in favor and the motion carried unanimously.

Proposed Regulations: Requirements for Reportable Accidents

Chairman Roberts informed the Board that the Commonwealth will comment with some sort of legal document with the rules as drafted. This issue was discussed by the Board. The proposed regulation does not track, and is in conflict with, the underlying statute. The issue is that the law itself uses language definitions of ‘accident’ which is open ended by using the word ‘including.’ Richard Morrison suggested using the statute wording and adding the additional two situations.

Chairman Roberts pointed out three options the Board could take at this time:

1. Table any action on these regulations
2. Vote to adopt it and move forward as written understanding that it may not pass Attorney General’s office
3. Find compromise language as proposed regulation

It was brought to the Chairman's attention that #15 was incorrectly typed in Annex A and was not what was agreed upon at the last Board meeting. It was agreed at the April 8 meeting that the sentence would end after the work 'stoppage' and read as, "*An interruption to the mine ventilation system that results in withdrawal of personnel from the mine such as a fan stoppage.*" This will be corrected.

The Board called a short recess to discuss the options and reconvened at 11:38 a.m.

This agenda item was tabled for lack of a motion. The Board can take it up again at a later date.

NEW BUSINESS:

John Burr was to give an update on the PCA's cable study at every Board meeting. However, this was not included on this agenda, but will be included as an agenda item at future meetings under 'Old Business'.

Dates for 2011 Board of Coal Mine Safety Meetings:

Meeting dates for the next calendar year were scheduled as follows. All meetings will be held in Uniontown, except the meeting on June 7, 2011, which will be held at the Marion Center Mine Rescue Facility.

- March 1, 2011
- June 7, 2011
- September 13, 2011
- December 13, 2011

There were no new business items brought up by the Board.

PUBLIC COMMENTS

Joe Sbaffoni brought up the issue of proximity detection as an emergency standard and whether the Board should be educated on this issue. An informational presentation will be arranged for the next Board meeting on December 15.

ADJOURNMENT

With no further business to discuss, Chairman Roberts called for a motion to adjourn the meeting.

John Gallick moved to adjourn the meeting. Frank Reidelbach seconded this motion.

The official meeting adjourned at 11:51 a.m.