

MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
INA, ILLINOIS
OCTOBER 18, 2018

Board members present: John Duty, Larry Jones, Randy Lewis, Tom Smith, Jim Steiner, Steve Willis, and Tom Benner (Executive Officer).

Board members absent: None

Others present: Art Rice, Michael Martin (Miners' Examining Board), Wes Campbell (Miners' Examining Board), Robert Cross (Miners' Examining Board), Tom Hasenstab (Knight Hawk Coal), Bill Jankousky (Knight Hawk Coal), Dave Colombo (IDNR), Shawn Rees (IDNR), Larry Jenkel (IDNR), Tony Mayville (IDNR), Bill Patterson (IDNR), Shawn Batty (M-Class Mining), James Miller (M-Class Mining) Amy Richardson (Northcutt Reporting) and Neda Banach (IDNR).

Call to Order, Roll Call of Board Members, and Introduction of Guests

Executive Officer Tom Benner called the meeting to order at 10:00 a.m. and read the roll call. Since all Board members were present, there was a quorum. Executive Officer Benner welcomed all guests present.

Approval of Minutes

The minutes from the previous meeting, November 28, 2017, were reviewed. Board Member Steiner made a motion to approve the minutes as presented. Board Member Lewis seconded the motion. The minutes were unanimously approved as presented.

Foresight Energy – 250' Crosscut Centers at Mach and M-Class

Shawn Batty and James Miller, both representing Foresight Energy, addressed the State Mining Board with a request to extend the crosscuts at Mach and M-Class mines to 250 feet. According to both gentlemen, the request was being presented to address roof control.

A discussion ensued regarding the request and the implications that it might have on ventilation and egress. Mr. Batty and Mr. Miller both indicated that the company would utilize auxiliary fans and exhaust tubing to ensure proper ventilation. Mr. Batty stated that the use of extended crosscuts would not be a general practice but only utilized when geological conditions warranted. Board Member Willis stated that the request to extend crosscuts was not an unreasonable request but advocated staggering the crosscuts. Executive Officer Benner inquired as to who would

make the determination to extend the crosscut distances. Mr. Batty stated that it would be management's discretion.

Executive Office Benner requested input from the State Mine Inspection force regarding the proposed crosscut extensions. State Mine Inspector Rees commented on the proposal and stated that extended crosscuts might be advisable. State Mine Inspector Colombo expressed concern about the practice of extended crosscuts and the impact that they have upon egress. State Mine Inspector Jenkel stated that the use of extended crosscuts at Hamilton County Mine improved roof conditions at that mine. He went on to express concern, however, regarding the distance one must travel when utilizing extended crosscuts. State Mine Inspector at Large Patterson commented that the use of extended crosscuts in Illinois has been granted for the sole purpose of addressing adverse conditions, but that the use of such a practice can present a problem with regards to egress. According to State Inspector at Large Patterson, should the power go down in a mine utilizing extended crosscuts that it would be impossible to hang the necessary curtain prior to evacuating the mine in 15 minutes, as prescribed by law.

Following the discussion, Board Member Steiner made a motion to accept, for a period of one year, Foresight Energy's proposal to extend the crosscuts at Mach and M-Class mines to 250 feet when adverse conditions warrant. This practice is to be under the careful watch of the State Mine Inspector assigned to the properties with a full report of such practice presented to the Mining Board at the end of the year period. Board Member Lewis seconded the motion. Executive Officer Benner called the roll and the motion passed unanimously.

Inexperienced Miners

State Inspector at Large Patterson indicated that the State Mine Inspection staff recently encountered an issue with inexperienced miners working outby with no supervision. State Inspector at Large Patterson stated that Article 8.01 requires that a certified person must accompany an inexperienced miner when employed or engaged at the face of the coal. His concern was that this practice needs to be followed outby as well. State Inspector at Large Patterson indicated that the Mining Board had issued a ruling on March 8, 1982 indicating that:

“It is the interpretation of the State Mining Board that Section 8.01 of the Coal Mining Act requires that a competent and certified person shall be on a roof bolter”.

Following this motion, the State Mining Board went on to state on March 8, 1982 that:

“a “certified” person was someone who was qualified to do a specific job.”

State Mine Inspector at Large Patterson requested that the current State Mining Board review the term certified as utilized in the March 8, 1982 ruling and provide an interpretation as to its meaning.

Board Member Steiner made a motion that the term certified person in the Mining Board Ruling of March 8, 1982 meant a person who possessed a first-class certificate of competency. Board Member Lewis seconded the motion. Executive Officer Benner called the roll and the motion passed unanimously.

A discussion then ensued regarding the possibility of conducting rule-making to further clarify this issue. Board Member Steiner made a motion to formulate a committee comprised of Board Member Willis, Board Member Lewis and Board Member Steiner to discuss potential rule-making. Board Member Lewis seconded the motion. Executive Officer Benner called the roll and the motion passed unanimously.

House Bill 5689 – Coal Mining Self Rescuer Caches – Governor’s Amendatory Veto

Neda Banach addressed the Mining Board and provided a brief overview of House Bill 5689. The bill amends the Coal Mining Act to address cache distances for self-contained self-rescuers. Specifically, the bill would allow coal companies to conduct a walk study to determine the cache distances for Self-Contained Self-Rescuers (SCSRs). According to House Bill 5689, the State Mining Board would establish the guidelines and procedures to be followed when conducting such a walk study. In addition to cache distances, the bill also amends the Civil Administrative Code and the Coal Mining Act to address the composition of the State Mining Board and Miners’ Examining Board.

Mrs. Banach explained that House Bill 5689 had passed both chambers of the Illinois General Assembly but that the Governor had amendatorily vetoed the bill. The General Assembly will have the opportunity to either accept Governor Rauner’s veto or override same during their upcoming Fall Veto Session. Should the General Assembly enact the bill’s provisions associated with the SCSR cache distance, the State Mining Board will be required to establish the paraments of the proposed walk study.

Board Member Duty made a motion to form a sub-committee to discuss the guidelines and procedures for the proposed walk study. The sub-committee as proposed would include Board Member Smith, Board Member Jones and Board Member Duty. Board Member Steiner seconded the motion. Executive Officer Benner called the roll and the motion passed unanimously.

Sunrise Coal - Certification

State Inspector at Large Bill Patterson and Executive Officer Benner provided the State Mining Board with an update regarding Sunrise Coal’s proposed Oaktown Mine.

Executive Session

Board Member Steiner made a motion to go into Executive Session at 11:53 p.m. Board Member Jones seconded the motion. Executive Officer Benner called the roll and the motion passed unanimously.

Adjournment

Board Member Steiner made a motion to adjourn at 12:38 p.m. Board Member Willis seconded the motion.