



Illinois Department of Natural Resources

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Bruce Rauner, Governor

Wayne A. Rosenthal, Director

MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
INA, ILLINOIS
APRIL 20, 2017

The following State Mining Board members were present:

John Duty
Larry Jones
Randy Lewis
Tom Smith
Jim Steiner
Steve Willis
Jim Hafliger, Executive Officer

The meeting was called to order by Executive Officer Jim Hafliger. A roll call of board members was made with all members present. Having a quorum, Mr. Hafliger proceeded with the meeting.

The minutes from the January 4, 2017 State Mining Board meeting was reviewed and accepted as presented.

The first item of discussion pertains to a consensus of the Board versus a ruling of the Board. Clerk of the Board Art Rice indicated that for a decision of the Board to be binding with the coal industry it must be presented as a motion and adopted. A consensus of the Board as the word implies means the Board has been "polled" and are in agreement on an issue or topic but technically carries no weight with the industry. For a decision of the Board to be binding with the coal industry and establish a precedent, a motion and vote is required. In the October 20, State Mining Board Meeting 4/20/2017

2016 Mining Board meeting it was a consensus of the Board that 3-way intersections will meet the criteria for complying with Section 17.01. Executive officer Hafliger asked for a motion from the Board relative to the October 16th consensus and Board member Smith made the motion acknowledging that a 3-way intersection will meet the criteria for complying with the requirements of Section 17.01. Board member Steiner seconded the motion and was adopted by a unanimous vote.

The next item on the agenda was request for an interpretation of Section 31.21 of the Coal Mining Act as it relates to the evacuation of the mine following a fan stoppage of 15 minutes and whether the workers can stop their evacuation if ventilation is restored. Executive officer Hafliger asked Mr. Rice to explain the intent of the proposed motion and how it differs from earlier Board rulings. Mr. Rice indicated the Board had previously ruled a mine must be evacuated in its entirety and could not stop the evacuation even if the power and mine fan are restored. With today's larger mine's where an evacuation would require traveling several miles before reaching the slope or shaft bottom the current ruling would require evacuation even if the fan is restored and the workers had just left their unit and was on the travelway heading out. MSHA allows workers to stop their evacuation, if they have not reached the surface, and remain where they stopped until an examination of working areas is done and deemed safe. Board member Willis asked for a clarification on the proposed language in respect to workers already on the surface when the fan is restored; are they to remain there until all examinations are completed and the areas are safe to return. Inspector-at-Large Bill Patterson indicated yes. He further stated the agency tried to bring common sense into this clarification of Section 31.21 as he gave an example of a crew began their evacuation after a fan stoppage of 15 minutes and have to travel 2 miles to reach the surface. The fan is restored approximately 2 minutes after they began their evacuation. Under the current ruling they must continue their evacuation, even though the fan will run the entire time they are traveling out of the mine and the examination cannot begin until all persons have evacuated the mine. Executive officer asked if there were any comments from the audience relative to the suggested motion. After a few general comments Board member Duty made the following motion with second by Board member Steiner and was adopted.

This motion is to clarify Section 31.21 regarding the evacuation of underground personnel following a fan stoppage of at least 15 minutes. If the fan's operation is restored before mine personnel have evacuated the mine, they either may continue traveling to the surface or stop their evacuation and wait at this location for completion of the required examination. This examination, as outlined in Section 6.04(1), pre-shift examination, must be conducted of the working areas and no hazards found before power is restored and workers can return to the working area and resume operations.

Underground personnel, who have reached the shaft or slope bottom, must wait until all personnel have reached the shaft or slope bottom. If the fan is not operating upon the arrival of

all underground personnel they must be evacuated to the surface. Once all persons have evacuated the mine, no person(s) may enter the mine other than certified personnel designated by the mine manager.

In the event a fan stoppage occurs that is the result of a power outage to the mine's underground working areas and is off for 15 minutes or longer, power cannot be restored to these working areas until the required examination is completed.

The next item related to the Mining Board's authority pursuant to the Office of Oil and Gas Management. Previously, the Office of Oil and Gas Management was a division within the Office of Mines and Minerals. This division was separated from OMM to become a separate office within IDNR. Therefore there is language in the Oil and Gas Act and rules and regulations that reference the Mining Board and its representative in respect to drilling active in and around active coal mines or mineable seams. OMM and Oil and Gas personnel will review the Act and regulations for possible changes to reflect the separation. Hopefully draft language will be developed and presented to the Board.

Hamilton County Coal's 250' extended crosscuts was the next item with representatives from the company addressing the Board. General Manager Ezra French indicated since the last meeting of the Board the company received approval from MSHA on January 27, 2017 for the 250' centers. He further stated they had no issues with maintaining air. Inspector Jenkel also had no issue with maintaining ventilation; however, he did have concern over the distance the safety ride was being kept from the face due to the extended crosscuts.

Board member Willis again wanted to express his concern about caving tight on the tailgate side thus causing a methane build-up. He stressed they need to take steps to maintain adequate support to prevent that from occurring. Mr. French said it is a concern but have taken measures to hopefully prevent that from happening. With no further comments a motion was made by Board member Lewis that the 250' crosscut would no longer be considered experimental and is approved for use at the mine. Board member Steiner seconded the motion and motion was adopted.

The final agenda item was an appeal by Hamilton County Coal for a violation written by the agency's state mine inspector. Executive officer Hafliger stated a company has the right to appeal a violation to the Mining Board and Hamilton County Coal is exercising this right. The violation in question was written on October 7, 2016 regarding crosscut centers that were exceeding the approved crosscut distance. The company felt they were in compliance with having crosscuts every 150 feet by using 3-way intersections, which was accepted by the Mining Board at its October 20, 2016 meeting as a viable means for complying with crosscut centers. The company stated that even though they had a long pillar three crosscuts to adjacent entries were being maintained within the approved 150 foot distance.

Inspector-at –Large Patterson addressed the Board indicating at the time of the violation was written he personally had looked at the mine’s development maps and saw they were not in compliance with their mining plan as submitted to the agency. Board members discussed the issues surrounding the mine’s practice of developing entries and crosscuts and the agency’s interpretation of the mine’s plans. Board Clerk Art Rice indicated the previous submittals for approval by the mine for 150 and later the 200 foot crosscuts were based on 4-way intersections. A request was made by the Executive officer for a motion to rescind or vacate the violation. No motion was made.

Having no further business Board member Lewis made a motion to adjourn, second by Board member Steiner and motion passed.