



Illinois Department of Natural Resources

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Bruce Rauner, Governor
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MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
INA, ILLINOIS
OCTOBER 22, 2015

The following State Mining Board members were present:

Larry Jones
Tim Kirkpatrick
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 June 11, 2015 State Mining Board meeting was reviewed and accepted as presented.

First item on the agenda was the Hamilton County Coal LLC, Mine #1 experimental extended cross cuts. The Board had given approval at its October 2014 meeting experimental approval for one year and the company was returning to the Board pursuant to that motion. State Mine Inspector Larry Jenkel is the resident inspector and was asked to provide his observations regarding the extended cross cuts and the exhaust tubing. Inspector Jenkel indicated the ventilation has been excellent and pillars are holding up better on both on the longwall and in State Mining Board Meeting 10/22/2015

longwall development. Also, the exhaust tubing ventilation is proving much better for face area. Board member Steiner asked if they are trickle dusting. He said yes, they have to put rock dust in the fan and blow down the returns otherwise the returns get dark. A motion was made by Board member Smith that pursuant to 17.01(d) of the Coal Mining Act the extended cross cuts with exhaust tubing is no longer considered experimental and can be continued at the Hamilton County Coal LLC, Mine #1. The motion was seconded by Board member Steiner and unanimously approved.

Next item on the agenda was a request for an interpretation of Article 6, Section 6.10 Daily Record of Examinations. Mr. Phil Gonet, President Illinois Coal Association, and Bill Jankousky, Corporate Safety Director for Knight Hawk Coal, asked to address the board concerning this agenda item.

Mr. Gonet stated a letter was sent to the Office of Mines and Minerals on August 20th requesting an interpretation of Section 6.10 especially as it relates to calling out the examination. He then stated Mr. Jankousky would be addressing the board on this request. Mr. Jankousky indicated mine examiners currently have to travel out of the mine to fill out the book and when considering the time to perform the exam, travel to the surface, fill out the book and finally sign the book, the exam could be 3 hours old. To enhance safety the mine examiners should be allowed to call out their examination thus making it more real time and would let people know sooner as to the conditions underground. Mr. Gonet added that Illinois was the only state to not allow the pre-shift examination to be called out. Therefore, they asked the board to render an interpretation allowing a pre-shift examination to be called to the surface.

Board member Lewis asked that a designated person take the call and just not anyone who is available take it. Basically, Board member Lewis asked have they thought about who will receive the call. Mr. Jankousky stated the federal regulations requires the mine manager to appoint or designate someone to receive the call-out. Board member Steiner asked if that person will be a certified mine examiner or above and Mr. Jankousky responded that it will be someone designated by the mine manager.

Executive Officer Hafliger indicated to the Board that they have been asked to craft an interpretation of the section as outlined by Mr. Gonet today and if they choose draft an interpretation today that can be voted on by the board.

Mr. Gonet stated if it was the will of the Board to require a certified person to receive the call then the industry will accept the ruling as they see the importance of having a knowledgeable person receiving the call; however, they do not want to be boxed in as they would like to be allowed to use current technology to improve safety. If we get to an electronic type of communication that is different from someone calling out and as Mr. Jankousky said there are different forms of communication and would not want to be hamstrung so the interpretation should be broad enough so that a lot fits under this.

Executive Officer Hafliger asked for comments from the board members. Board member Kirkpatrick stated he never was in agreement with having to re-examine the mine if the mine examiner was late getting out of the mine. He was in agreement but felt there needed to be a set timeframe for the mine examiner to sign the books. Mr. Gonet stated the MSHA regulations establishes a timeframe for the books to be signed by the mine examiner.

Board member Steiner indicated he had no problem with a call out but did have concern over adding additional responsibility to the face boss who already has a lot to do. It would be ok for the face boss to examine from the tailpiece inby but a mine examiner must do the outby areas. He still felt a different set of eyes looking for hazards on the section is better than using the face boss. Finally, he wants to see the person recording the call be a certified person and not just some employee working in the guard shack.

Board member Willis was in favor of the call out. What is important is the mine manager signing the books prior to workers going below; he then knows the hazards that need addressed.

Other board members expresses their support of calling out the exam but would require an operator to have the process organized or structured so it is done properly.

Executive Officer Hafliger stated it appears there was a consensus that calling out the pre-shift examination was allowable and acceptable procedure and the next step would be crafting a motion to that effect. Prior to having a discussion on the interpretation he asked if there was anyone in the audience would like to make any comments. Board member Steiner asked if the Board could hear the opinion of the Inspector-at-Large.

Mr. Bill Patterson stated he had no problem with an examiner calling out his report but for a face boss to conduct the examination when he already has so many other duties, he questioned whether he can do a proper examination or be as thorough as a mine examiner. If the Board was to distinguish between a face boss and mine examiner then that would be fair.

Several from the audience indicated their opinion the face boss would be able to effectively conduct the pre-shift examination of their section.

Executive Officer Hafliger called a short break and stated to the audience the Board would have a motion pursuant to Section 6.10 before the end of the meeting.

The next item on the agenda was Article 16, Section 16.11 Socketed Ropes. This is another of the Coal Mining Act's outdated laws and was not being brought before the Board by the industry for an interpretation but rather the agency was looking at some discussion on the section and Mr. Hafliger reminded the Board that not only they could interpret laws but could initiate rulemaking or call for a legislative initiative to address an issue; such as, an outdated law. Mr. Hafliger asked for comments from the Board. Board member Steiner asked if operators were not wanting to cut the end of the rope as required by law. Mr. Patterson said that is part of the issue as

several operators do not have the necessary length to cut off the socketed end. If made to do this they would have to replace the entire rope. Mr. Patterson stated technology has changed how socketed ropes are put together where instead of lead or zinc being used a resin is poured into the end creating a better bond. He felt the agency should look further as to how the resin can extend the life of the socket. The members discussed several points relative to the new technology and it should be even considered a socketed rope as the mine no longer clamped the ropes and added lead or zinc but instead were creating a chemical reaction or bond with the rope end. Executive officer Hafliger said this was not an issue that required interpretation but should be investigated further and at a later meeting the Board may wish to decide whether to proceed with a legislative initiative on the new technology.

Next item on the agenda was Section 19.11 and the use of reflectors to mark the escapeways. Wes Campbell acting in his capacity as member of the Miners Examining Board addressed the Board. He stated you would be amazed how many who come for their first class papers do not remember their mine's escapeway reflector colors. Mr. Campbell said most of the miners who were seeking their papers worked for an independent contractor and would move from one mine to another, which made the situation worse. He would like the Mining Board to set a standard for mines in regard to primary and secondary reflector colors.

The Board was asked their opinion regarding statewide escapeway colors. Several members felt this was a training issue that needed to be addressed at the mine level. Board members Kirkpatrick and Lewis felt it would be very difficult to effectuate a change in the industry to one set of colors. Board member Kirkpatrick felt this would especially create a problem for miners who had never worked at another mine and were suddenly faced with new escapeway colors. He also felt the time to have made the change was when there was major legislative changes to the Coal Mining Act in 2006. After the discussion among the Board members no further action was taken.

Executive Officer Hafliger stated that before proceeding to the adjudicatory hearing he asked for action regarding the earlier discussion on Section 6.10. It was his suggestion that to clarify and expedite the process it be divided into two parts; one, allowing the examination be called out and two, who is qualified to receive this call. Board member Willis offered the following motion; it is the Board's interpretation of 6.10 to allow a mine examiner's pre-shift examination report to be called out. Board member Lewis seconded the motion and unanimously passed. Pursuant to the second part Board member Steiner made a motion the person receiving the call-out from the mine examiner must be a certified person. This motion was seconded by Randy Lewis and motion passed unanimously.

Any further action or clarification regarding this issue it was felt should be handled through rulemaking.

The meeting was adjourned to allow for the Board to proceed to the adjudicatory hearing on the temporary suspension of an individual's mine examiner certification at the Peabody Energy, Gateway.

The Board heard from State Mine Inspector Rees on the circumstances surrounding the temporary suspension wherein Mr. Rees stated the mine examiner in question, Tim Groff, had failed to examine a set of seals. Questions were asked of Mr. Groff and a representative of the Gateway mine. After hearing the discussion and comments relative to the suspension, Board member Steiner made a motion to suspend Mr. Groff's mine examiner certification one year from the date that the temporary suspension began. Mr. Groff would appear before the Board after the year suspension for re-instatement. Board member Lewis seconded the motion and carried unanimously.