



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 23, 2014

The following State Mining Board members were present:

Jerry Cross
Fred Frederking
Tim Kirkpatrick
Don Stewart
George Teegarden
Jim Hafliger, Executive Officer

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

The minutes from the April 17, 2014 State Mining Board meeting was reviewed and accepted as presented.

The first item on the agenda was a discussion on violations written by state mine inspectors and the board was given an analysis of violations written for the first 9 months of 2014. Inspector at Large Bill Patterson explained to the members the focus of the agency in respect to addressing violations. Executive Officer Hafliger stated the agency would be working to improve its system of tracking violations and inspections.

Board member Cross asked about contractor accidents and who was reporting the accidents; for the company or the contractor? Executive Officer stated that everyone is under the direction of the mine manager and is ultimately responsible. Clerk of Board Art Rice indicated the agency receives Accidents Reports from mine operators for accidents that are either a medical or lost time accident. On this report is a section to indicate whether the injured person was employed by an independent contractor. The intent of this report is to provide the agency with a clearer picture of mine related accidents. Also, the report asks if an EMT provided assistance, if so the company is to provide to the agency's EMT liaison a patient information report.

Board member Cross asked if it was possible that contractor employees were getting hurt and mine operators were saying it is not their responsibility to report the accident and if the independent contractor did not fill out the report then it is going unreported. Bill Patterson stated there is an effort being made to tell operators all accidents at their site is their responsibility to report. When a contractor sets foot on your property then it is their responsibility to see that accidents attributed to a contractor is reported.

The Board was advised that the federal court has ruled in favor of an MSHA citation on accident reporting when a mine operator failed to report an accident to an independent contractor employee. The court stated it was ultimately the operator's responsibility to report accidents and not an independent contractor.

Board member Kirkpatrick stated a part of the problem is the failure of the contractor to inform the operator of an accident. They are supervising their own people and may choose not to report to the operator that an individual was injured.

The next item on the agenda is a request from White Oak Resources for extended crosscuts pursuant to Article 17 of the Coal Mining Act. Keith Roberts, Compliance Manager, representing White Oak Resources, gave a presentation pursuant to their request. He first provided an overview of the mine. The company began construction in 2011 with the first bottom development in June of 2013. The company runs two continuous miner sections for developing the longwall panels and another continuous miner section for developing main entries. Last week the mine began production from its longwall. The company projects developing its north section, which will have 16 panels and each panel will have a production life of approximately one year.

The company received from the Mining Board, in 2012, approval for 150 x 100 centers in the longwall entries and 160 x100 centers in the bleeder entries. Today, the company is requesting approval for an extension to 200 x 120 for both longwall and bleeder entries. The request is for enhanced roof and ground control in the gate and bleeder entries. The horizontal stresses, especially in the north/south direction, influences roof support and all the entries and crosscuts run in the north/south direction. This influence is reduced with the extended crosscuts as their will be fewer intersections. Also, the extended crosscut and entry development will mitigate

squeezing especially in wet conditions. Rib issues and floor heaving will, also, be reduced. With the larger pillars the company will improve roof and floor stability and minimize roof falls that could affect ventilation

Another benefit is reducing the number of cross cuts, for example in an 18,000 foot panel the number of cross cuts is reduced from 120 to 90. This will result in fewer place changes and reduces the exposure to the red zone.

One of the most important things to consider in extended cross cuts is face ventilation. This length cross cut centers are being mined in other states in one of three methods; blowing line curtains and scrubbers, framed exhaust line curtains and the more preferred method using exhaust fans and tubing. One company using exhaust fans and tubing is Consolidation Coal that uses them almost exclusively at their eastern operations. The Illinois coal industry in the 1970s and 1980s used exhaust tubing.

Mr. Roberts indicated that whether White Oak Resources uses line curtain or exhaust fan and tubing they will be governed by 30 CFR 75.326, which will require at least 60 feet per minute at the working face. That amount is the minimum for moving dust and methane. It is their belief this standard can be achieved easier with the exhaust fan and tubing system.

The company has met with fan manufacturers who are presenting fans that have considerably more horse power than those used in the 1970s and 1980s. Their exhaust fans run from 125 HP up to models that have twin 100 HP motors. Those in the 70s and 80s were rated at 25 – 50 HP. Mr. Roberts provided data on the air quantity required for his mine and what could be provided with use of exhaust fans with tubing.

Mr. Roberts stated exhaust fan and tubing would reduce the risk to the continuous miner operator and shuttle car operator as visibility would be improved through dust control.

Executive Officer Hafliger asked if the company was presenting this proposal based on 17.01 and that if the request is for an experimental method for mining coal? Also, Mr. Hafliger stated the request before the Board as outlined in the agenda was approval for cross cut extension but as has been presented by Mr. Roberts there would be a change in ventilation, which is not on the agenda. Mr. Roberts stated yes the request was for the extension but the company felt it should be noted that in light of recent changes by MSHA on dust rules and the difficulty to maintain line curtain for the distance being requested that the company would be going to a fan and tubing system. It was agreed the primary focus of the request was extending the crosscut in the gate and bleeder entries and met the criteria outlined in section 17.01 and would be approved on an experimental basis.

A question was asked by Executive Officer Hafliger about the failure of an exhaust fan and Mr. Roberts indicated they would install blowing line curtain with scrubber until the fan is repair.

Another question was raised about idle time and gas accumulation. Mr. Roberts stated the mine did not anticipate being idle as it was a 24/7 operation and coal will be produced every shift. If there was an occasion where the mine was idle or the main fan was down then the line curtain with miner scrubber would be used initially.

State Mine Inspector at Large Bill Patterson asked if the company would be going to the exhaust fan and tubing if the extension was denied and Mr. Roberts stated it is the company's intent to utilize the fan and tubing for face ventilation whatever the decision. Mr. Patterson then asked about a plan, which incorporates their action of installing line curtains if a fan goes down, he added this would take a great deal of line curtain for the extended crosscuts. Mr. Roberts said it is already in the plan that there will be a sufficient amount of line curtain on the section at all times. Mr. Patterson also asked that there should be something in the company's plan regarding the actions of a shuttle car operator if a person is in the entry. The extended cross cuts will require a person to go an additional 50 feet before he is in a crosscut and to allow a shuttle car to pass the individual while in the entry would place him in the red zone. Mr. Patterson would like to see it added to the plan, if it is not already, that the shuttle car stop until the person in the entry reach a cross cut. Mr. Roberts said it was already in the company's plan and State Mine Inspector Larry Jenkel added he has seen shuttle cars stop and wait until the entry is clear.

Following Mr. Robert's presentation the board discussed the period for which the experiment would allowed. Mr. Roberts felt the company would see the affects of using exhaust fans and tubing almost immediately but the affects of increased pillar sizes on roof conditions and stability would be long term, at least through the current panel, which is projected to be finished in June and probably into the development of the next panel. There was discussion of extending the time period to the fall State Mining Board meeting and Mr. Roberts agreed that would allow the company sufficient time to pull the necessary data together. A motion to allow for an experimental cross cut extension of one year was made by Board member Cross and seconded by Board member Teegarden. Motion passed unanimously. A suggestion was made that the company may come before the board for an update on its progress at the Board's April meeting if the company so desired.

The next item on the agenda was the question of whether an individual with mine foreman certification from another country be deemed eligible for a temporary certificate. John Smith addressed the Board regarding a request from an individual who held Australian mine foreman certification, which had the same experience requirements as Illinois. The individual desires to receive temporary mine manager certification and take the permanent examination in the spring. Currently, the agency will accept out of state mine certification, if this certification is equivalent to our qualifications. Mr. Smith is requesting guidance as to whether the agency will allow out of country certification for temporary mine manager certification. Questions were asked as to what we require for an equivalent certification to be accepted. It was expressed about the difficulty of confirming the quality of the certification program from another country. While this

individual had previously worked in Illinois and was familiar with our industry not everyone who comes in from another country will be as familiar with our laws and regulations. Mr. Smith added that Illinois law requires the person to be a United States citizen so many of these requests will probably come from an individual who left the U.S. for employment in another country and is returning. Board member Stewart made a motion that out of country certification will not be accepted for temporary certification with a second by Board member Cross and motion passed.

State Mine Inspector at Large Patterson approached the Board regarding plan submittals to MSHA. The agency never sees the plans until they have been approved by MSHA and the agency inspectors have no input or knowledge of the action by the company. Mr. Patterson is requesting that the Board require any operator who submits a plan to MSHA provide a copy to the agency for review. Mr. Patterson would send a letter to all the operators if this is approved by the Board. This will allow the agency to provide inspectors a copy of the plan and will enable the agency to make comments related to the plan submittal. The question was asked to which type of plans was he interested in obtaining. Mr. Patterson stated all plans should be sent to OMM. Currently, the agency may get the approval from MSHA several months after it was approved and the changes had been in place for a considerable period of time. Board member Cross made the motion that a letter be sent to the operators requiring them to submit plans either prior to or when they are submitted to MSHA. Executive Officer Hafliger did not believe a motion was necessary as the Board had previously ruled in 1975 that operators submit mine plans, which were listed in the Board's motion, so no action is required other than to notify the Board as to what steps the agency is taking to enforce this ruling.

Executive Officer Hafliger stated the final agenda item was on rulemaking. This agenda item is a discussion point for the Board as to what areas may need to address in the future pursuant to rulemaking or possibly legislation. Executive Officer Hafliger asked Clerk of Board Art Rice to describe further what had lead to this agenda item. Mr. Rice stated there has been confusion on both the accident notification process and what is considered a reportable accident as required by the Coal Mining Act. Mr. Rice indicated that other coal producing states have developed rules to clarify the questions surrounding reporting mine accidents. It is possible rulemaking could be used in not only in this situation but others where a statute needs further clarification. Mr. Rice described how the Board has participated in the past in creating rules and it was done through the creation of a committee that included Board members, agency personnel and representatives of the industry.

Executive Officer Hafliger stated that state mine inspectors are often left to interpret mining laws without guidance that could be provided through rules and this situation creates a gray area for the state mine inspector, the agency and the Mining Board. This, also, could not be good for the coal industry. The goal of the Mining Board and the agency should be to create consistency and ensure the safety of the coal industry. The Executive Officer Hafliger indicated the discussion on rulemaking will be an ongoing process as we look to address several issues.

Having no further items on the agenda, Executive Officer Hafliger asked for a motion to adjourn, Board member Teegarden made the motion with second by Board member Cross and motion passed.