



Illinois Department of Natural Resources

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Pat Quinn, Governor
Marc Miller, Director

MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
BENTON, ILLINOIS
JANUARY 9, 2014

The following State Mining Board members were present:

Jerry Cross
Fred Frederking
Tim Kirkpatrick
Don Stewart
George Teegarden
Mike Woods, Executive Officer

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

The minutes from the October 24, 2013 State Mining Board meeting were reviewed and accepted as presented.

The first item on the agenda is Article 10 – Accidents and Injuries. Due to recent serious accidents and the failure of coal operators to contact the agency as required in the Coal Mining Act the Office of Mines and Minerals has added this issue to the agenda for discussion with the Board.

Executive Officer Woods stated it is a simple procedure for a coal operator to call the state since a telephone call is already being made to MSHA and to an ambulance service, so just one more time pick up the telephone and call the state.

Board member Cross stated his concern over violating state law in failing to contact the agency indicating this is no different than when a mine examiner has violated state law during his or her examination and the Board takes action to suspend or revoke mine examiner certification. He indicated that obviously this type of action for mine examiners violating the law made examples of them to show other mine examiners if you violate the law there will be repercussions. The Board may have to take similar action of suspending or revoking certification if mine management fails to contact OMM following a serious accident. He, also, expressed his dissatisfaction at MSHA being notified and not the state.

Board member Stewart did not understand why all operators did not have procedures in place for making the necessary calls following an emergency.

Executive Officer Woods agreed with Board member Stewart that procedures need to be in place that automatically go into effect in the event of a serious injury. If the operator is in doubt whether to call make the call; error on the side of caution and call the resident state mine inspector.

Executive Officer Woods stated there is already a system in place that is part of mine emergency response where an operator will make a call to the Illinois Emergency Management Agency (IEMA). IEMA then calls the pertinent OMM personnel. Mr. Woods will check to see if this is an option for mine accidents and IEMA will handle contacting an OMM representative. Executive Officer Woods indicated that if this was to be implemented it would not remove the operator's responsibility of calling MSHA.

The Board discussed that possibly a time frame be established wherein the agency must be notified following a serious accident. While considerable discussion was spent on this topic several board members did not feel a time limit should be set.

Inspector Supervisor Bill Patterson stated that several mines, especially the newer mines, have management personnel from other states who may not be aware of this statutory requirement. He felt the agency needs to educate mine management as to their responsibilities and that they are violating the law if a call is not made.

Following the discussion on whether all mine management are aware of the requirements of Article 10 and the ramifications if a call is not made, Executive Officer Woods directed Tony Mayville, Mine Safety and Enforcement Supervisor, and to the inspector supervisors, Bill Patterson and Roger Spresser, go to all coal mines and explain Article 10 to all mine managers and superintendents.

There was a brief discussion on the board's October 13, 1987 definition of serious injury. This definition was deemed inappropriate in the context of Section 10.01 of the Coal Mining Act as "b" defines serious injury as requiring hospitalization. Using "b" as a criteria for calling a state mine inspector could delay this call by several hours as a mine awaits information on whether an injured employee is admitted or not to a hospital.

Board member Stewart stated it was simple for operators if they just followed the law, which says any personal injury shall be reported. Executive Officer Woods agreed with Mr. Stewart and said the policy will be that operators should notify the state mine inspector without delay no matter the time of day for any loss of life or personal injury in or about any coal mine. Mr. Woods asked Mr. Mayville to notify operators of this reporting requirement.

The next item was directed toward clarifying what engineering degrees are acceptable pursuant to Article 5, Section 5.01 and Article 6 Section 6.01, which states persons who graduate with a degree in engineering need only two years underground experience. The agency has been receiving several applications with various engineering degrees listed. The question is does the agency accept all engineering degrees or only those degrees related to mining? It has been assumed that this provision was for coal related engineering degrees but several have questioned this opinion as the statute does not expressly state a coal related degree. Board member Cross felt since this was a coal related certification the degree should be a mining engineering degree. Mr. Cross proposed a motion that the engineering degree as stated in the act only be a mining engineering degree. Board member Stewart seconded the motion. A statement from the audience from an individual with an electrical degree indicated a person who receives an engineering degree must possess not only knowledge but common sense. There is value in being

an engineer since obtaining an engineering degree is very difficult and any engineering degree is sufficient for qualification. Mr. Woods appreciated this comment and asked for a vote from the board on the motion by Board member Cross. Motion unanimously passed.

Next item was a discussion on Article 38 – General Supervisor, Southern Inspector-at-large Bill Patterson wanted to inform the Board the agency had recently found that some operations did not have any certified individuals overseeing surface work at underground mines during evening or midnight shifts; but, the problem has been corrected as all operators were contacted regarding this requirement and certification issued to individuals at operations that needed additional supervisors.

A mine rescue update was provided by John Smith, Supervisor of Mine Rescue Operations, and Jim Hafliger, Manager for Office of Mines and Minerals. Mr. Hafliger stated the agency was working on the notification process especially if the resident inspector cannot be contacted. Executive Office Woods indicated that if there were any questions concerning mine rescue to contact John Smith. Mr. Smith outlined that draft mine rescue legislation has already been discussed with representatives of the coal industry. A major component of the new law is clarification as to what type of emergency situation(s) the state will respond. In instances where the incident is not an emergency that involves individuals underground and does not warrant a state response with mine rescue teams, operators should work out agreements with other operators to provide mine rescue assistance. Also, the new law will require all underground operations to have a mine rescue team. Mr. Smith indicated all operations are already complying with this new provision. Mr. Smith briefly outlined other aspects of the new law.

The Mining Board was given an update by Jim Hafliger regarding coal mine electrician program as the proposed rules have been revised relative to the grandfathering of current MSHA qualified electricians residing and/or working in Illinois. Mr. Hafliger read the new section that was being added to exempt these individuals from the provisions of the new rule and they will receive their state certification upon renewal of their MSHA electrical card.

Executive Officer Woods wanted inform the Board that Jim Hafliger would assume the position of Manager of Office of Mines and Minerals while Mr. Woods was acting as Office Director and asked that the board make a motion to accept Mr. Hafliger. Board member Cross made the motion with second from Board member Frederking and motion passed.

Executive Officer Woods stated the patient care reports were still a concern for operators. Mr. Woods wanted to let the industry know the reports are retained internally and only if there is a lawsuit can those reports be seen by someone other than Wendy Kohler. These reports can actually be to help an EMT to show they acted properly.

The final item discussed related to coal loading docks and how far does OMM jurisdiction extend? Mr. Bill Patterson stated there is confusion on this issue and the Board needed to render a decision pursuant to a state mine inspector's jurisdiction at a coal loading dock. Executive Office Woods felt the agency's jurisdiction involved anything related to the handling of the finished product, which is coal. State Mine Inspector Bill Chubb told the Board representatives from the Coast Guard is saying that as long as the barge is stationary and not moving it is OMM's responsibility. Push, pull and assist of a barge is when the Coast Guard gets involved, until that point it is OMM responsibility. After discussion on the topic, Board member Teegarden made the motion that as long as the barge is tied to load out facilities it shall be a part of the state mine inspector's responsibility. Board member Cross made the second and motion passed.

Having no further business Board member Cross made motion to adjourn with second by Board member Kirkpatrick and motion passed.