

ILLINOIS STATE MINING BOARD

BENTON, ILLINOIS

MARCH 29, 2006

The following State Mining Board members were present:

Jerry Cross
Ken Fritzsche
Don Stewart
George Teegarden
Dave Webb
Joe Angleton, Executive Officer

The meeting was called to order at 10:00 am by Executive Officer Joe Angleton. A roll call of board members was made with Board Member Don Orso the only member absent. Having a quorum of board members present, Executive Officer Angleton proceeded with the meeting.

The first item of business was approval by the Board of the minutes for the December 15, 2005 State Mining Board meeting.

The second item on the agenda was the certification for the individuals involved in the contractor fatality, Midwest Auger, at the Black Beauty Cottage Grove Pit. Executive Director Angleton briefly discussed action being taken by MSHA following their investigation of the accident and asked the Board what action they wished to take regarding the certification of Tim Bowen, Larry Bunner Lester Erb Jr. and Lester Erb III. Board Member Cross made a motion that the individuals state issued certification be suspended for a five years, after which time they may retake an examination for the certification and come before the Mining Board. Board Member Stewart seconded the motion and was unanimously adopted.

The next item on the agenda was the temporary suspension of three mine examiners at the Monterey Coal Company, Mine #1. Executive Director stated the issue was in arbitration regarding their dismissal by the company and Board Member Cross made a motion to continue

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the temporary suspension of the three mine examiners until such time as the investigation and arbitration are completed. The Board will render its decision on the status of their certification following the investigation and arbitration.

The Mining Board next heard from Mike Woods, Manager of the Office of Mines and Minerals, concerning Article 21, Section 21.01. which states each mine shall be provided with suitable fire-fighting equipment and supplies. His comments were directed toward the presence of fire extinguishers underground and no requirement for periodic inspection by mine personnel. State mine inspectors listed on several occasions in their inspection reports problems with fire extinguisher. Mr. Woods felt the Board should make a motion that coal companies conduct an inspection of fire extinguishers at least once every six months and record this inspection on a permanent tag attached to the fire extinguisher. This requirement would mirror the requirements already established by MSHA and currently required in the Illinois Surface Rules and Regulations for all surface operations. Mr. Teegarden made the motion to adopt the provision stated by Mr. Woods. Motion seconded by Mr. Stewart and was adopted.

The seventh item on the agenda was a request from Wabash Mine Holding Company, Wabash Mine to discontinue the inspection of the Main East Seals and establish evaluation points. Company representatives described their plans to sink a new slope and eventually sealing off the area around the #1 portal, which included the Main East Seals. This project, however, would not be completed until the latter part of 2007 and have come before the Mining Board regarding the Main East seals and the safety hazards present from examining these seals. The walking conditions have gotten worse for mine examiners when roof falls occur all materials must be brought in by hand. Company representatives stated MSHA had recommended they establish evaluation points on either side of the seals. State Mine Inspector

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Jerry Odle testified the area has more than adequate ventilation and extra support has been placed in front of the seals. Also, very little methane is being liberated. Inspector Odle further indicated the company has been allowed in the past to monitor on either side of seals while the company re-supported roof falls. Jim Miller, chairman of the local UMWA safety committee, testified that conditions were dangerous and the union felt the company had made every effort on reducing risks and supporting the roof. He and the local were satisfied with company's request for evaluation points. Following questions by the Mining Board concerning the new slope and the measures the company would take to monitor the seals Board Member Webb made the motion to accept the company's request to use evaluation points to monitor the seals until December, 2007 at which time the company must return to the Board if the use of evaluation points must continue after this date. Board member Steward seconded the motion and was unanimously adopted.

The Procedures for honoring out-of-state certification was next item discussed as members of the board expressed their concern over the inability of Illinois miners to work in Kentucky due to additional training requirements mandated by the state. Miners in Kentucky must have sixteen hours of training, at least eight hours by a certified Kentucky trainer. Butch Oldham, member of the Kentucky Mining Board, stated the sixteen hour training requirement was in the statutes and had to be followed. Executive Director Angleton suggested that Kentucky and Illinois Mining Board members meet to develop a program or agreement wherein Illinois coal miners could work in Kentucky.

The final item on the agenda was the Freeman United Coal Mining Company, Crown III slope belt. Northern Inspection District Administrator Roger Spresser reviewed the results of the committee's visit to the Crown III mine and briefly described the modifications made pursuant to the committee's visit. Mr. Spresser indicated personnel on all three shifts have been trained on

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installing the chain, which is required when miners use the slope belt. Bill Jankousky, Corporate Safety Director, and Tom Austin, Vice President of Human Resources, gave a short PowerPoint presentation providing additional information on the modifications made to the slope belt. Questions were asked by the Board on the escape capsule and slope belt. The company representatives stated the Mine Manager had authority or control over use of the escape capsule. The company would prefer to use the slope belt over the escape capsule, if evacuation of personnel is required. Two representatives of the local safety committee expressed their concern over walking miners in and out of the mine and still question whether the escape capsule would work in bringing an injured miner out. Safety committeeman Rex Boliard talked on instances when the slope belt could not be cleared for use in evacuating a miner. Following additional discussion on why the escape capsule was installed and frequency of testing the capsule, Board Member Fritzsche made the motion to rescind the Mining Board's motion made at the August 4, 2004 that the May 21st letter stand as issued. The May 21, 2004 letter prohibited employees from walking the slope as a means of entering the mine. Board member Teegarden seconded the motion and was adopted on a 3-2 vote.

Having no further business, the Mining Board adjourned its regular meeting and entered into executive session.

Executive Director _____

Secretary _____