

MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
INA, ILLINOIS
APRIL 21, 2011

The following State Mining Board members were present:

Jerry Cross
William McClusky
Tim Kirkpatrick
Don Stewart
George Teegarden
Dave Webb
Joe Angleton, Executive Officer

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

The minutes from the March 17, 2011 State Mining Board meeting was reviewed and accepted as presented.

The first item on the agenda was the request by Patton Mining, LLC, Deer Run Mine for approval of bleeder shaft development. Cowin & Associates would be doing the work and a representative of the company, Herb Gibson, gave a presentation on the proposed work.

Mr. Gibson stated this would be similar construction to an earlier shaft approved by the board as the geologic conditions were almost the same and should experience very little water. The shaft work would be performed in three phases. The first phase was the upper portion, which included soft soil materials and would be excavated with an Eimco 639 down to the rock strata where the second phase would begin. A cactus grab would be used for mucking. The head frame would be constructed during this phase. Mucking and material extraction will be similar to previous shaft project. Communication will be with bell signals and permissible two-way radios. The water ring and bottom development will be the final stage. A four entry reinforced concrete station will be constructed at shaft bottom and company will development off the bottom only enough to build stoppings in each entry. Project is proposed to begin first of May and completed in December. Motion made and adopted to approve the plans as submitted.

The next item on the agenda was a discussion on independent contractor certification. Don McBride, southern inspection district administrator, discussed new temporary contractor supervisor certification. Previously, the Mining Board had heard about the difficulty the agency

was having in confirming mining experience to meet the qualifications for the independent contractor certification. Many of the contractors who do on-site work do not have mining experience.

The agency was looking at a temporary certification similar to Crane Hoist certification, which is good for only one site for a period of one year. The temporary independent contractor supervisor certification would be job and site specific and would require re-certification at another mine site. The certification would also be job specific; therefore, a supervisor would need a new certificate if called on to oversee another job on the mine site different from the one in which the original certificate was issued. The individual would still have to prove two years experience in the work described on the certificate.

The state mine inspector for the property would interview the applicant and issue the temporary certificate if satisfied with their qualifications. Numbering system for temporary certification is kept by each inspector. It would be recommended to each certificate recipient to keep each certificate issued as possible in the future the individual could seek permanent certification. Mr. McBride indicated he would like to come back to the October board meeting and provide a review of how the program was proceeding. Board member Stewart made a motion to allow Mines and Minerals to begin the temporary independent contractor supervisor program with the second by Board member Kirkpatrick, motion passed.

The third item addressed an oversight regarding emergency plan approvals that was given by the Mining Board in 2007. The plans submitted for the Gateway Mine, Wildcat Hills U/G Mine and Willow Lake Mine included a statement that when rescue chambers were installed at these operations the emergency sleds that held barricading material would be removed. This plan provision is a violation of the Coal Mining Act 225 ILCS 705/11.10, which requires an emergency sled with barricading materials within 1,000 feet of working faces. Peabody Energy has agreed to return sleds as required by law and Board member Cross made a motion to officially rescind the three mine's plans as they relate to barricading materials, second by Board member Teegarden and motion passed.

The fourth item, which was an objection by Arclar Company, Willow Lake Mine to an oil permit was continued.

The Board had the request from four individuals requesting to surrender their certification. A discussion followed on the issue. Executive officer Angleton stated MSHA was holding mine examiners more accountable and it appeared some mine examiners were now asking to surrender their certification as a result of this new accountability. Each request was read to the Board with three of the four indicating health reasons was the reason for their request. The Board agreed to accept the four requests.

Wes Campbell, safety director at the Tri-County Coal, Crown III mine, stated the four individuals were all employed at this mine and these individuals had given the impression to him and mine management that the surrendering of certification had already taken effect prior to the meeting. Executive officer Angleton stated that was not true as it required action of the board before it took effect.

Mr. Campbell also stated the company was not aware of the four gentlemen asking to surrender their certification and asked that the individual's employer (Coal Company) be notified prior to coming before the board so they could talk to the individuals and possibly working out a solution so the certification could be retained. The Crown III was having problem with having enough certified examiners. Executive officer Angleton agreed to notify the company prior to taking action of a request to surrender certification.

Board member McClusky indicated the action of accepting a request for surrendering certification did not require coming before the Mining Board if the Director felt the reason was justified and made a motion that the Director for the Office of Mines and Minerals be given the authority to approve requests for surrendering certification. Mr. McClusky said there was no need for a person to wait several months for the next board meeting to have his request accepted. Board member Teegarden seconded the motion and was unanimously passed.

Executive Officer Angleton stated there was not further items on the agenda and announced the meeting was adjourned.

Joe Angleton, Executive Officer

Jerry Cross, Secretary