

MINUTES OF MEETING
OF
ILLINOIS STATE MINING BOARD
BENTON, ILLINOIS
OCTOBER 12, 2006

The following State Mining Board members were present:

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

Executive Officer Joe Angleton called the meeting to order at 10:00 am. A roll call of board members was made with all members present with the exception of Don Orso. 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 August 17, 2006 State Mining Board meeting.

The second item was a request by Wabash Mine Holding Co., Wabash Mine for a change to the sinking plan for the Cowling Slope portal excavation. No individuals from the Wabash Mine or the contractor were present but the Board review what was submitted and voted to allow the change.

The third item on the agenda was a request by Local S-8 at the Arclar Company, Willow Lake Mine to discuss the new legislation, Section 22.18, Vehicles for Transporting Workforce and Injured Persons. Local President Greg Forte requested the Board to interpret the new law. He indicated the policy at the Willow Lake Mine allowed the company 45 minutes to repair or remove, due to an emergency, transportation from a working unit. The local felt this was violation of the law in having transportation away from the unit for this extended period of time and transportation should be on available at all times.

Executive Officer Angleton stated to those in attendance that Illinois was the only coal producing state to require transportation be maintained on the unit. The agency gave the authority to the state mine inspectors to work out the policy or provisions for maintaining transportation. In respect to the Willow Lake Mine this was done through Inspector Jerry Odle.

Mr. Forte described to the Board what potentially could happen if the 45 minute policy is allowed and the miner is down the unit's transportation is sent out to obtain parts. The Board indicated this was not allowable as the 45 minutes only applied to mechanical problems and time allowed to fix the problem.

Following discussion on the time allowed at Willow Lake and other underground mines, Executive Officer Angleton said the reason it has been left to the state mine inspectors is ~~one~~ "one size does not fit all" and for the agency to set one set of standards for the entire Illinois coal industry is not feasible. That is why state mine inspectors such as Jerry Odle is allowed to set the policy or requirements.

Jerry Odle was asked to explain the situation surrounding the Willow Lake Mine policy. Mr. Odle explained the circumstances relating to the policy. He indicated the time limit was allowed so work could continue on the unit and the company had placed a trailer on each unit that could be attached to a CLA for transporting workers or injured miners.

Discussion followed on whether a CLA could pull the trailer and if not what was available to attach to trailer. Discussion also surrounded how the company would comply with new state law, which will require additional SCSRs, and if the mantrip is being used to store the additional SCSRs and is removed from the unit, the company is no longer in compliance with state law.

The SCSR requirement does not go into effect until January, 2007, however, the requirement for emergency transportation went into effect immediately and it was never the intent of the law to allow emergency transportation to be taken off the unit for 45 minutes and take it anywhere a company wants. The only way the emergency transportation can not be there is if a problem is being worked on.

Questions were asked about use of golf cart and the limited space for having additional people to administer CPR if needed. Golf cart can not carry but driver and passenger. Board Member Cross questioned whether a golf cart met the requirements of the new law.

Executive Officer Angleton stated it was the intent of the agreement that work must begin immediately, not wait to a later time to begin work.

Mr. Forte described to the Board the circumstances surrounding the local's request for interpretation of the new law. A situation occurred where the 2nd shift mantrip broke down and the 1st shift mantrip retrieved the workers and the scoop was placed on charge to be the emergency transportation.

Mr. Tom Patterson, Safety Manager, indicated the instance referenced was due to ignorance by mine management to the new law and the belief the scoop was suitable form of transportation. The company has been informed a scoop or ram car not suitable so trailers were built and would be hooked up to a four-seater.

Discussion followed Mr. Patterson's comments on if the company was in compliance with the

new law and it was agreed if equipment was available that could be connected to the trailer they would be in compliance with the law in providing suitable transportation. The board felt the inspector should look at equipment on the unit to determine if all equipment available can hook up to a trailer.

Executive Officer Angleton stated the agency will require the state mine inspectors to ensure each mine is complying with the new law.

It was stated that if any mine does not have the transportation required in the new law they must stop production until transportation does arrive. Also, asked if a super-unit was producing coal and have two mantrips on unit, if one goes down, what do you do? The board determined by what the law states they must remove all but what they have transportation for out by the working section and continue mining coal.

Executive Officer Angleton stated to the Board in regard to the Willow Lake Mine issue, State Mine Inspector Odle would meet with the union rep and management rep to review the trailers and determine what if any transportation is suitable.

The next item to be discussed was also from Local 8 as they wished to discuss fan stoppage of longer than 15 minutes.

Mr. Forte asked for a verification of the October 25, 1976 ruling “examined in its entirety”. At the Willow Lake after a fan stoppage only the belt drives are pre-shifted. During a pre-shift examination, the drives and transfer points examined, and the belts are walked during the on-shift examination. There are contract workers conducting work on the belts, which is scheduled work, and these areas are not being pre-shifted. Belt work done by contractors on day shift are on belts that have not been an examined of the belts since the previous second shift since on third shift the belts are not running and only transfer points are made by the mine examiner. The main point the local wants to address is should the belts be examined in their entirety after a fan stoppage. Executive Officer Angleton had the last paragraph of the February 6, 1989 Mining Board ruling read into the record “...it seems clear, at a minimum, that regular work stations such as transfer points, belt drives and tailpieces are required to be pre-shifted. It also seems clear that areas where the operator has determined during the preceding shift, that work will be required must be pre-shifted.” The Board was in concurrence that following a fan stoppage those areas where workers will be along the belts must be part of the pre-shift examination.

The next item on the agenda was a request by Knight Hawk Coal Prairie Eagle- Underground Mine to reduce the buffer zone between the underground mine and the highwall mining operation from 200 feet to 75 feet. Mr. Thomas Hasenstab, mine engineer, gave a presentation regarding the changes in buffer zone along the main north travelway and the first panel extending west from the main north. The highwall miner will be used following the completion of strip mining. A series of holes will be mined adjacent to and toward the Prairie Eagle – Underground Mine. Mr. Hasenstab indicated that he believed Section 34.04 of the Coal Mining Act was the only place in the Act where language appears regarding their planned activity. He gave his interpretation of the section, which allowed mining within 50 feet if you have certified surveys

without a certified survey the distance is 200 feet. He then described the underground and highwall development. He referenced the barrier pillar that is currently 200 feet and indicated section 34.04 applies in this situation. He described how the highwall miner develops and indicated the final depth of the hole can not be surveyed, even though pins are set and the miner works in that development. He indicated if an error was to occur that led to a deviation a 75 feet buffer would still give an adequate distance between the first hole and the main north. The depth of the hole can be confirmed and would have an accurate indication of depth or distance between the holes and first panel. Agency has concerns on the first parallel hole to the main north. Mr. Hasenstab confirmed the first hole would have a 75 feet block between the intake entry and the first hole.

The agency was concerned how close the hole came to the intake entry, either holing into the entry or having too narrow block if a squeeze occurred in the first hole(s) and would override into the intake entry. Mr. Hasenstab indicated the first hole would receive the greatest scrutiny but do not have any gps system on the Superior mine that Knight Hawk is using. Mining Board member asked why the company wanted to crowd so close to the main north. Mr. Hasenstab indicated the back end distance between the panel and end of hole was greater interest than the distance between the first hole and the main north. The members indicated they saw no problems with the reduced distance between the first panel and the highwall miner holes. Mining Board member Stewart made the motion to deny the request for 75 feet along the main north intake and seconded by Board member Cross. Motion passed.

Board Member Cross made a motion to approve a 150 feet buffer zone between the first hole and the main north intake entry. The motion was seconded by Board member Teegarden and motion passed.

Executive Officer Angleton indicated to Mr. Hasenstab that any other changes to the buffer zone would have to be brought before the Board.

The Board next discussed the new certification – General Surface Supervisor. Executive Officer Angleton asked the board if people doing similar work at a location other than a coal mine site be eligible for surface supervisor certification. Is this any different than a surface mine? MSHA allows equivalent work experience for being considered an experienced miner. Do we allow meet similar work experience positions test and be certified as surface supervisors? Also, what is two years experience for a contractor if they work two days a week at a mine site? Also, have on an idle day such as on Sunday where you have examiners underground, one hoist man and an underground face boss at the mine. Does the new law require a surface supervisor be in attendance and what about the face boss who is not surface supervisor certified? These are questions we must consider. The law was intended to give the state mine inspectors someone who is responsible; one, to make sure the law is complied with, two if laws not complied with the responsible person's papers are pulled. Previously it was either the mine manager or mine superintendent who was held responsible. How do we come up with whom is eligible for certification?

Board member Stewart said we could have a shortage of persons who can become supervisors.

Many that are currently eligible will be retiring and a void could be created of qualified people.

Executive Office Angleton asked that the Board address the first issue of equivalent work. Will equivalent work if similar be allowed? Board member Webb asked about a person who has experience underground be considered equivalent, therefore be eligible. Executive Officer Angleton did not feel this person would be if he worked only underground versus a person who worked at a non coal site but ran an end loader, dozer, crane or other equipment found on the surface. A person from an underground mine would have to be trained. To clarify what the law said, the new legislation was read to the Board. The Board discussed the different requirements for management to be present and what options the Board could follow.

The Board following the discussion approved the following motions. One, if an individual has equivalent experience from outside the industry and is qualified he is eligible to take a temporary test to supervise for two years, and then be eligible to take an exam for permanent certification. Two, an underground employee who holds mine examiner or mine manager certification may receive a two year temporary certification as general surface supervisor. At the end of the two year period the temporary certification will be revoked and the individual can take the examination for permanent certification. To be qualified for permanent general surface supervisor, an individual must, during the two year temporary certification, supervise in some capacity on the surface. Three, the certification process must go through the Manager of the Office of Mines and Minerals. Four, individuals submitting evidence of two years surface experience pursuant to the requirements for independent contractor and general surface supervisor can take both tests.

Following the adoption of these motions the meeting was adjourned.