
VIRGINIA COAL MINE SAFETY BOARD

**Department of Mines, Minerals, and Energy
Thursday – May 19, 2005 - 9:00 A.M.**

MINUTES

VIRGINIA COAL MINE SAFETY BOARD

MEMBERS PRESENT:

- Richard Waddell
- Danny Sparks
- Foster Tankersley
- David Berry
- Patti Church
- William Kiser
- Roy Jessee
- Ernest Benko

MEMBERS ABSENT:

- Max Kennedy, Jr.

OTHERS PRESENT:

- Frank A. Linkous, Chief, Division of Mines
- Benny R. Wampler, DMME Deputy Director
- Sharon Pigeon, Assistant Attorney General
- John Thomas, Division of Mines Inspector Supervisor
- Patty Varner, Administrative Program Specialist
- Opie McKinney, Division of Mines Inspector Supervisor
- Mike Willis, Division of Mines Mine Safety Engineer
- David Asbury, Division of Mines Coal Mine Technical Engineer

Meeting Called To Order

Chairman Foster Tankersley called the meeting to order. A roll call of members determined there was a quorum present. Eight of the nine members were present. A quorum requires the Chairman and four members to be present.

Chairman Tankersley called for approval for the minutes from the previous meeting of August 12, 2004. Motion was made and seconded to approve the minutes, and the Board approved the minutes. Also, the agenda for the May 19, 2005, meeting was approved.

Mine Safety Awards 2004

Nominations for and distribution of the Mine Safety Awards for 2004 were reviewed and approved by the Board. A handout outlining criteria for the various awards was given to each member. Included in this handout was a list of each mine and employee meeting the criteria with the selected winner for each category. Award plaques were placed on display at the Board meeting. These awards will be presented in the presence of each winner's work group. Anticipated date for awards to be distributed is the end of June 2005.

New Business

Frank Linkous gave a report of good results on the implementation of the amendments of the Coal Mine Safety Act which bill was approved as emergency legislation, effective upon signing by the Governor, on February 10, 2005. Division of Mines staff made accelerated efforts to implement the changes in the Code through a review of wording and intent of the legislation with every operator. Mr. Linkous reported on these standards:

- Good progress has been made on the critical issue of ground control plans. Mr. Linkous credited this to industry input in helping to address and develop a generic ground control plan to protect our citizens and miners.
- Reported on the safety advantage of the mandate for reflective clothing to be worn by every miner underground; several companies already have implemented this safety standard.
- Countersigning of records standard has proven to be the most frustrating to implement; issues have arisen which required some flexibility.
- Standards on reciprocal pump safety.
- Mapping standard changed to enable DMME to request and copy any map; removed prohibitions on access to the maps. DMME continues to electronically scan a repository of active and abandoned mine maps; 22,000 scanned, access to another 6,000; improving on the accuracy of maps; working toward an eventual GIS system as a useful tool for mine and public safety and development of our region. Mr. Linkous offered for the next Board meeting to have an overview of the mapping system.

Review of the Buchanan No. 1 Mine Fire

Opie McKinney, DM Mine Inspector Supervisor presented a review of the Consolidation Coal Company Buchanan No. 1 Mine fire through data, graphs, charts and photos. Buchanan No. 1 mine employs 400 people with average coal production of 4.5 million tons per year via longwall. Methane is produced via 135 gas wells from the six longwall panels of the mine that collect 34 million cubic feet of methane per day. Fifty to 70 million cubic yards of methane in a 24-hour period comes from this coalbed as it is mined and developed. On February 14, 2005, a seismic event occurred resulting in a major fall; pressure disrupted ventilation control, and ignition occurred. Gas was the initial fuel of the fire and then involved wooden cribs and other combustible materials. All miners underground at the time of the ignition followed the set evacuation plan without incident. The following procedures were immediately set in motion:

- MSHA monitoring station established
- Seven mine rescue teams on-site
- Monitored dense smoke - 2,000 ppm CO; Monitored de-gas holes
- State Highway Route 460, only major artery in Buchanan County shut down due to close proximity; Notification to affected operations and authorities
- Command Center for MSHA, DM and company personnel set up for frequent briefings
- Ventilation fans stopped; Mine shafts sealed
- Plan to seal was approved; All activity put into writing and those standards applied for safety due to volatile situation (43 plans approved to date for seals, replacing and repairing seals and for reopening)
- 50 contractors brought in to construct seals of ventilation shafts which is critical to the process of inerting a mine
- Drilled 17 boreholes to monitor CO, carbon dioxide, and oxygen levels, temperature
- Monitored seals and boreholes
- Fire extinguishing agents (40 million cubic feet of liquid nitrogen foam and several million gallons water) injected through de-gas wells and boreholes
- Not “a finger mashed” through these processes
- Maintaining seals proved to be a challenge

- Plan approved to reopen in the next week; 86 page plan; Any change to plan approved thru Command Center
- Ventilation shaft renovation work contracted in order to start fans in sequence
- Re-entry from Ventilation Shaft #8; 11 mine rescue teams will be on site
- State Route 460 closed only overnight during re-ventilation

Board discussed the joint effort by DM and MSHA and the process of coordination in providing support through hands-on experience and technology. This event illustrates the good that comes from the mine rescue team competitions. Discussion on Division of Mines' manpower and funds for the effort. Inspection areas have been adjusted, and other resources within the Department are utilized. Cost of resources was discussed; MSHA and DM resources are provided at no cost. A Coal Outlook article in early May quoted a Consol representative that direct costs above what was covered by insurance was approaching \$14 million and will be significantly more by the time the process is completed.

Review of the A & G 13 Surface Mine Accident Resulting in the Death of Jeremy Davidson

In regard to this agenda item, Roy Jessee addressed the Chairman that in the interest of full disclosure that his law firm represents A & G Coal Company and that he would not participate in discussions or vote on issues relative to this particular A & G case.

David Asbury, DM Mine Technical Engineer, reviewed the mine accident investigation, surrounding circumstances that occurred and findings from the investigation of the fatality off-site of the A & G Coal Company No. 13 surface mine.

- A & G Coal Company mine profile: locally owned employing 135; 68 total pieces of equipment; Virginia's largest surface mining permit holder
- No. 13 mine consisting of four separate working areas; Licensed July 20, 2000
- Permit holder is Matt Mining; Original acreage 105 to 2,000 at time of accident, August 20, 2004
- Accident investigation was presented to family, Commonwealth Attorney and public in November, 2004
- Presented map overview of three working areas and summary material
- Presented maps and photos: the internal road illustrating widening of road and creating berm material; the probable start location and path of the dislodged rock which rolled into the residence, resulting in injury and death to three-year old Jeremy Davidson; a cross-section map of the rock path and photos of the impact

Board member expressed a personal opinion that comments made by government agencies and reported in newspapers should not have been and cautioned that agencies should use more discretion and confidentiality in reporting to public and press. Chairman agreed that probably some premature comments were made before the investigation was concluded. Board member commented on importance of showing restraint and not drawing conclusions or giving premature comments that tend to escalate public opinion. Board member commented on radical groups becoming involved. Mr. Wampler informed the Board that the radical group was amassing training programs for people to carry on war against mountain top removal in Virginia, Kentucky and West Virginia this summer. Mr. Wampler urged that anyone call the State Police if any evidence of such is observed; do not attempt to handle on own.

Activities and Efforts on Impoundments

David Asbury reviewed activities related to law changes on coal slurry impoundments, due to potential for public safety issues. There are 27 impoundments in Virginia; 24 are active. Inspection is coordinated through a cooperative effort with Division of Mined Land Reclamation (DMLR), Mine Safety Health Administration and Office of Surface Mining. Industry also participates in the same training and evaluates same standards as agencies. DM continues to enhance, improve and upgrade our standards and capability in response to an emergency impoundment event for the safety of miners and public and protection of assets of coal business. Reported that impoundments are in good shape and many are receiving maximum input from preparation plants due to increase in coal production. The life, design and standards of design of the coal slurry impoundments are key issues.

Newly Implemented Ground Control Plan Standards

Mr. Linkous invited feedback on this key issue arising from the emergency standards implemented as a result of the A & G fatality and mandated by the Governor directly.

John Thomas, DM Inspector Supervisor, reported on the review process that DM has taken in implementation of the ground control plans, the applicable Mine Safety Act regs. and the draft generic plan that has been developed. Section 287 of the Code requires that a ground control plan be approved by the Chief to address the safety of workers, residents and others affected by a coal operation. The generic plan development has been a cooperative effort of DM, DMLR and industry and addresses:

- Tree removal
- Highwall and spoil banks
- Roadways
- Mine maps
- Working in or around Red Zones
 - ✓ Warning signs
 - ✓ Berms, fencing or other barrier protection
 - ✓ Work activity in safe manner using proper equipment
 - ✓ Residents notification (3 hrs./ no more than 24 hrs. prior to beginning work)
 - ✓ Blasting procedures
- Auger/highwall miner operation
- Training/documentation (review with new employees, annually with all employees and immediately prior to work)
- Management control
- Incorporated into DMLR coal surface mining permit with provisions of plan jointly enforced by DM and DMLR

Board discussed cost to implement the ground control plans. Direct cost calculations are not yet available. Some processes incorporated through the plans have improved mining, and this may offset some of the costs. Board discussed notification process. Discussed use of proper, adequate equipment and identifying hazardous conditions. These issues are addressed primarily by accountability, control and comprehension through mine foremanship as well as through continuing education classes and inspection interaction. These standards are cutting edge in surface mining; Mr. Linkous predicted that neighboring states will soon follow suit.

DM Safety Engineer Mike Willis reported on red zone areas, which are work areas that present a potential hazard to the public safety. Examples of plans DM has received were viewed. Defining the red zones is left up to the operator initially; DM will conduct field evaluation of plans to determine agreement. DM has received 50+ ground control plans and

the operators have done good jobs in identifying the red zones. Mine maps must be updated every six months and certified by a professional engineer.

Overview on Last Year's Performance

Due to time constraints, the Board elected to forego a presentation; and for the data and materials on last year's performance be sent to the Board members.

Substance Abuse in Mining

Mr. Linkous reported that Kentucky has worked with MSHA to set up a task force to train their inspectors and analysts while on mine site to look for instances of substance abuse in miners. National data shows that two-thirds to three-quarters of drug and alcohol abusers work. This societal problem needs everyone's help. The task force has identified that the drug of choice changes from geographic region to region. Legitimate prescribed drugs for injuries are being abused and are quickly addictive and potentially deadly in this form.

Other than results of an autopsy of the victim in a fatality when the coroner requests drug testing, there are no means to compile statistics of drug abuse in mining at present. Operators are providing unofficial information on drug screening results. Reports from newspapers, court systems and schools give indications of what is happening in mining as well.

Mr. Tankersley reported that employees can be discharged due to results of drug screen, but employer cannot give the reason for discharge to other employers. Some companies have a program whereby an employee requesting assistance for abuse prior to drug screening will be provided help and likewise families and employer are helped.

Drug free workplace policy needs to be in place at mines to include these steps to a comprehensive program:

- Drug-free workplace policy
- Supervisor training (key to detection of abuse and obtaining help with zero tolerance)
- Employee assistance
- Drug testing

To accelerate a solution DM encourages that the operator and foreman:

- Clearly communicate policy
- Inform about dangers of drug abuse
- Identify signs and symptoms of abuse and effects on job performance
- Describe when, if and how to approach family and co-workers
- Refer to resources for information or help

They are not to diagnose or counsel.

The Board discussed the aspects of this societal issue. Mr. Wampler stated the issue will continually be monitored for a more positive means of addressing within the mining community. Options in resources of help are limited for drug abusers; money targeted for jails should be channeled into treatment resources. Sharon Pigeon reported that certain doctors on worker's compensation programs doctor panels have a history of prescribing narcotics for injuries that may or may not warrant them. Ms. Pigeon suggested that companies talk to the program administrator, and suggest trusted doctors to be placed on the panels.

❖ **Next Meeting: To be announced at a later date.**

Adjournment

Upon a motion made and seconded, the meeting adjourned.

Respectfully submitted,

Patty Varner
Secretary