



# ROSEBUD MINING COMPANY

#2856

511 Railroad Avenue Homer City, PA 15748

Phone: (724) 479-4090 FAX: (724) 479-4096

Website: www.rosebudmining.com

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ENVIRONMENTAL QUALITY BOARD

Board of Coal Mine Safety  
Rachel Carson State Office Bldg.  
16<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17101-2301

September 3, 2010

RE: Proposed Rulemaking [25PA CODE CH.208]

Dear Board Members:

Rosebud Mining Company has been in the business of actively producing high quality bituminous coal in Western Pennsylvania since 1979. The Company currently operates 16 deep mines and five preparation plants in Western Pennsylvania and is the third largest underground coal producer in the Commonwealth. Rosebud Mining Company currently employs 691 Pennsylvania employees.

The proposed rulemaking [25PA CODE CH. 208] is a very serious concern to the Pennsylvania coal industry and this letter is presented to strongly oppose more specifically Sections (208.11) Seals, (208.21) Escapeways and (208.41) Emergency Evacuation.

## 1. Section 208.11 Seals

We strongly disagree with the proposed language that ALL seals are to be maintained to withstand a 120 PSI pressure wave. Many underground mines in the Commonwealth of Pennsylvania liberate very little methane which can only be detected by chemical analysis.

To our knowledge, a properly installed 20 PSI Seal has never failed in Pennsylvania. MSHA Regulations permit a 50 PSI Seal if the atmosphere in the abandoned areas remains inert. Longwall Faces operate with explosive mixtures of methane in gob areas on a routine basis. What separates explosive mixtures of methane in the gob area from the Longwall Face?

The Commonwealth has no research facility to test the strength/capability of seals or evaluate integrity of seals and yet sets more stringent standards than MSHA Technical Support Guidance. Based upon the aforementioned, we propose that the Commonwealth of Pennsylvania follow the MSHA Guidelines for Mine Seals.

2. Section 208.21 Escapeways

We strongly disagree with Section 274 which does not permit multiple common shafts or slopes to be used for escapeways.

When mine openings are planned and engineered for slopes and shafts suitable multi-compartment facilities should be permitted for escape situations. These shafts and slopes are to be designed with adequate compartment separations to be used as escapeways. The proposed Pennsylvania Regulation Section 208.21 far exceeds Federal Regulation CFR 75.380(d) that allows two escapeways to end in one multiple compartment shaft or slope separated by walls.

3. Section 208.41 Emergency Evacuation

We agree that the (1) hour additional responsible person training should be provided on an annual basis. The responsible person(s) would be instructed during the training session by a MSHA Certified Instructor. The training session would include the following topics: appropriate mine's ventilation system, post accident response, escapeways, communication systems, accident and emergency response.

We strongly disagree with the proposed language "to have current knowledge". This language leaves a very subjective interpretation of the topics instruction and the employees' respective comprehension. Each PA DEP Inspector will have his own individual level of standard for the term "knowledge". Who determines how much knowledge is adequate to comply with the regulation? How is the pass/fail determination made of a person's knowledge in order to be in compliance with the regulation? We propose that the (1) hour training is provided by a MSHA Certified Instructor and each topic area is documented to validate instruction. This method of instruction and documentation is utilized for all MSHA Annual Training.

Thank you for the opportunity to submit our comments and the consideration of the Board of Coal Mine Safety.

Sincerely

  
Jerry Hefferan  
General Manager

Cc: C. Forrest