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Bureau of Mine Safety

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Office of Standards, Regulations and Variances
Mine Safety and Health Administration
1100 Wilson Blvd., Room 2350
Arlington, VA 22209-3939

Re: Docket No. RIN 1219-AB52

Pennsylvania's comments on the Emergency Temporary Standard (ETS) on sealing of abandoned areas of underground coal mines are included below. These comments are provided by the Pennsylvania Department of Environmental Protection, Bureau of Mine Safety.

Pennsylvania's comments will center on the following issues: State input into the Emergency Temporary Standard; the strength of seals; monitoring/inerting sealed areas; seal design and construction techniques; pressure piling; and the process to mitigate existing seals.

1. The interim MSHA rule on mine seals did not include any input from the States. The States should have been included in the process up front rather than after the ETS was developed and implemented. This would have eliminated confusion and the many questions concerning the ETS.
2. BMS favors requiring stronger seals (120 psi) instead of a lesser seal design with monitoring behind the seals. Monitoring locations behind the seals is inadequate to identify and know with certainty what the quality and quantity of the gases are within the entire sealed area. Monitoring could easily provide a false sense of security. Inerting sealed areas can also provide the same false sense of security. Our position is that you cannot adequately monitor or inert these areas; therefore, you should design and construct a seal that is capable of withstanding an explosion. This, in a nutshell, is our position. Build it strong enough to contain any explosion and you will not have to monitor/inert the area.
3. The standards that are required within the proposed rule should be clear, concise, and easily understood by all who are required to implement the standards. Seal designers have been told that a minimum safety factor of two is required for all designs. If the ETS requires a 120 psi seal, are the requirements for 120 psi seals with a safety factor of two, actually 240 psi? MSHA District Managers and MSHA Technical Support are providing different answers to this question. Pennsylvania feels that the standard should be well defined and consistent so that all will know exactly what the requirement is. The standard should be adequate to ensure that any explosion behind the seals will be contained within the sealed area.

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4. The proposed seal construction techniques do not take into account the materials and equipment readily available to mine operators. For example, the required number 9 bar is not a readily available material at most mine sites. Additionally, in order to use this material, a completely different set of drill steels will be required. Most mine equipment is quite capable of drilling into the roof and ribs but is inadequate for drilling into the bottom. The seal designs require drilling into the roof and bottom and constructing a rebar lattice network between them. These designs will lead to the requirement for a subcontractor to construct most seals. Our thoughts are that NIOSH and MSHA Technical Support should be working with mine operators to design a seal that can be built and constructed by mine personnel with equipment and materials readily available. This seal should be adequate to contain any explosion.
5. In regards to pressure piling, the ETS is not clear. What mining situations will be included in MSHA's application of pressure piling? Will typical areas necked in with three entries and then necked out to five or eight entries be considered as pressure piling areas? The seals are normally installed in the three entry portion with a significantly larger area inby the seals. Examples of pressure piling situations as well as those mine designs that are not considered as pressure piling should be provided and included before issuing the final rule.
6. Mitigation of previous sub-standard seals led to many questions as to how this new standard will be applied by MSHA. These questions focused on how this mitigation is to be conducted with the new seal requirements. For example, should substandard seals be breached, removed and another seal built in its place or can a new seal be installed in front of the old seal. If the latter is acceptable, how will MSHA rectify the requirement that one seal-monitoring pipe must extend into the middle of the intersection inby the seals. This would not be possible if a new seal were to be built in front of the old seal. Will there be any latitude in the requirement for 10 feet of coal if a new seal replaces an older seal? The Bureau's position is that no seal should be breached or removed. It should be acceptable to build a new seal of adequate strength in front of a substandard seal.

I would like to thank you for the opportunity to comment on the Emergency Temporary Standard. For any questions on these comments, please contact William Bookshar or Joseph A. Scaffoni at 724-439-7469.