



Cumberland River Coal Company  
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September 14, 2007

Mine Safety & Health Administration  
Ms. Patricia W. Silvey, Director  
Office of Standards, Regulations and Variances  
1100 Wilson Boulevard, Room 2350  
Arlington, Virginia 22209-3939



**RE: RIN 1219-A52 Sealing of Abandoned Areas**

Dear Ms. Silvey:

These comments are submitted by Cumberland River Coal Company (CRCC) with respect to the notice posted by MSHA in the Federal Register on May 22, 2007 announcing an Emergency Temporary Standard entitled "Sealing of Abandoned Areas of Underground Coal Mines," which contains revisions to 30 CFR Part 75.

**Introduction**

On July 12, 2007 in Lexington, Kentucky at an MSHA public hearing for the ETS, representatives of the Appalachian Citizens Law Center of Prestonsburg, Kentucky presented a video of what was identified as the Band Mill #2 mine. Although this was not disclosed during the presentation, the Band Mill #2 mine is operated by Cumberland River Coal Company. The video showed 7 (seven) underground mine seals. Two of the seals had water coming out of 4-inch water traps, which are required to be placed in the seals to remove water that may collect behind them. The video showed that several seals had a small amount of water seeping from between mortar joints and from around the coal/seal interface.

No other information was provided to the audience about this situation except that the video was taken on April 20, 2007.

The presentation made by the Appalachian Citizens Law did not provide all of the facts and circumstances surrounding the events at the Band Mill Mine. As a result, we are compelled to provide an accurate record of what transpired at the mine and the action take by mine management to deal with this issue in a prompt, safe manner.

**Sealing the 1 Right Area**

Mining began, in the now sealed area, on the 1 Right sub main at the Band Mill, Trace Fork mine in August 2004. Final mining of the 1 Right area and successive panels was completed in November 2005. By the end of 2005, this area was sealed under an approved MSHA plan utilizing Omega block seals.

After the events at the Sago Mine in West Virginia, some questions arose concerning the use of Omega blocks in mine seals. Prior to any requirements by regulatory agencies, Cumberland River Coal Company took the initiative and worked with MSHA personnel to develop a plan to install Mitchell Barrett seals in front of the existing Omega block seals. These new seals were completed in July 2006, and were examined by both State and Federal inspectors while under construction and upon completion. The existing water traps located in Omega seals #12 and #18 were extended through the new solid block structures. No problems with these seals were ever noted from this time until April of 2007 by mine management or any regulatory agency.

1219-AB52-COMM-012

## **Condition Found and Action Taken**

A storm event occurred in the area on April 16, 2007. Total precipitation was recorded at 3.61 inches of rainfall. Between April 16 and April 17, water began collecting behind the seals. This volume exceeded the capacity of the two four-inch water traps located in seals #12 and #18.

On April 17, the seals began seeping water along a few of the concrete block joints. This condition was found and noted by a mine examiner during his normal preshift inspection. Upon notification to Company representatives of this condition, the mine managers and workers representatives immediately went underground to evaluate the mine's condition. A determination was made that the seals posed no immediate safety concern to the persons working underground. Meetings were held with each shift to convey to the miners what was found at the seals and the actions that were being taken to correct the condition. At that time, mine management began inspecting these structures at least three to five times daily. Water elevation behind the seals was monitored and documented daily. The mine atmosphere around the seals was monitored and no methane or low oxygen conditions were found at any time. No structural problems were noted that would have compromised the integrity of the seals. Federal and state regulatory authorities were notified of these conditions and they also made observations of the structures during this time.

Each day as the water level subsided, affording an opportunity to effectively take action, additional sealant was applied to the mine seals along the block joints and the coal rib interfaces. On May 18, 2007, the area behind the seals had drained and the seals stopped seeping water. At that time, each structure was completely resealed.

It is worth noting that these seals are positioned in a low area of the mine. The water impounded behind the seals reached a maximum level of 44 inches at its greatest depth and the overall seal height is approximately 90 inches. The 44 inches of water represents less than 2 psi of hydrostatic pressure on the seals. The water traps are constructed at an elevation above the mine floor that require 10 inches of water build up before they will discharge at all. Additionally, the water accumulation behind the seals never presented any unsafe hazards to the active mine areas.

## **Closing**

CRCC appreciates the opportunity to provide you with additional facts and essential information to further understand the events at the Band Mill Mine. We share your desire to provide a safe and healthy workplace for our miners. For the year of 2006, the employees of the Band Mill Mine worked 178,000 "man hours" without an MSHA reportable injury. This mine was awarded the 2006 Sentinels of Safety Award in the large mine underground category by the Mine Safety and Health Administration for their safety performance.

We appreciate the opportunity to comment on this important subject. Please contact me if you have any questions.

Sincerely,



Gaither Frazier, President  
Cumberland River Coal Company