



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

MINUTES OF MEETING OF ILLINOIS STATE MINING BOARD

INA, ILLINOIS

APRIL 19, 2012

The following State Mining Board members were present:

Jerry Cross
Fred Frederking
Tim Kirkpatrick
Don Stewart
George Teegarden
Dave Webb
Tony Mayville, Executive Officer

The meeting was called to order by Executive Officer Tony Mayville. A roll call of board members was made with all members present. Having a quorum of board members, Mr. Mayville proceeded with the meeting.

The minutes from the October 20, 2011 State Mining Board meeting was reviewed and accepted as presented.

The first item on the agenda was the temporary suspension of miner examiner's certification. A mine examiner, James D. Redman, was suspended at the Peabody Midwest Mining, Wildcat Hills U/G Mine following a situation regarding the examination of seals and possible falsification of mine examiner books. State Mine Inspector Mike Simpson, during his inspection of mine seals, found a series of seals did not have the required date, time and initials (DTI) for the previous shift. A further investigation found the required DTIs on remaining required examination points. Mr. Redman was present and was asked to address the board. Mr. Redman stated he told Mr. Simpson and Don McBride, Inspector-at-large, that he had made an error in putting the wrong date on the boards and had actually made the same mistake previously in dating his boards. Inspector Simpson explained to the Board that there were only three DTIs

with 1/19 when if Mr. Redman had incorrectly dated the board there should have been four with the 1/19 date.

Mr. Redman was asked to explain why he did not attend a meeting scheduled for January 30th with Mr. McBride and Mr. Simpson. He indicated he did not remember being notified of this meeting.

Board member Webb asked how long he had held his mine examiner certification and Mr. Redman stated since October, 2011.

After hearing testimony from Mr. Redman and OMM inspection personnel, Board member Cross made the motion the suspension would continue for one year and Mr. Redman would be eligible for reinstatement at the Board's April, 2013 meeting. Mr. Redman must appear before the board for reinstatement to occur. Motion was seconded by Board member Kirkpatrick and was adopted.

The next item on the agenda was a presentation by Cowin & Company, Inc regarding a 30 foot diameter service/intake shaft at M-Class Mining, MC #1 Mine. Cowin and Company had previously appeared before the State Mining Board requesting approval for shaft construction plans at the MC #1 Mine and the Mach Mine. Company representative, Al Protheroe, stated this shaft construction plan was similar to the earlier proposals. The concrete lined shaft would be approximately 765 feet in depth. The shaft collar would be approximately 35 feet deep and placed into competent rock. Mr. Protheroe stated about 30 feet of clay soil overlies the top of rock. A hydraulic excavator would do the initial 20 feet of collar excavation with an Eimco 630 loader or a "Cactus Grab" removing the final 15 feet. Again Mr. Protheroe indicated this excavation as well as the blasting and removal of rock to the coal seam was identical to their previous projects. He indicated with Board's approval the project would begin the first of May. Board member Webb made the motion to accept the shaft development plan with the second by Board member Teegarden and motion passed.

The final agenda item was Article 11 and mine rescue compliance. Executive Officer Mayville stated a that all mines were in compliance but a question has been raised regarding the Coal Mining Act requiring all operators to provide people to OMM mine rescue stations. The Viper Mine has established it own company mine rescue station and currently has 17 people for the two Mine rescue teams. Therefore, the mine is not providing people for the Springfield mine rescue station and the other mines in the region state which is putting a burden on them; especially due to the current MSHA interpretation of mine rescue in District 8. Management from the Viper Mine have indicated they would provide the required four people if told to do so by the state but that action would result in them closing their company station. Executive officer Mayville said that is not a situation he does not want to see occur.

Mike Woods addressed the Board and indicated the confusion or problem comes from the insertion in 2006 of the word "certified". The legislation passed in 2006 now required OMM's mine rescue stations to be certified by MSHA. Therefore, the burden was transferred to Illinois to maintain compliance and also prevented OMM from entering into agreements with companies, such as, the Viper Mine who has their own station and no longer needs our services.

The current laws would still require a mine to provide people. Executive officer Mayville added that the current language in Section 11.07 also creates confusion of interpretation. A coal company could state it is complying with this section by providing people to its own rescue station as the law states “must provide employees to serve on a rescue team”. It does not say on a state rescue team. Mr. Mayville asked that the board table the discussion until agency personnel could review possible language changes. Board member Webb made a motion to table further discussion on Article 11 until the Executive Officer gets back with the Board. Board member Teegarden seconded the motion and was adopted.

Having no further business the meeting was adjourned.

Tony Mayville, Executive Officer

Jerry Cross, Secretary