

**UTAH LABOR COMMISSION
MINE SAFETY TECHNICAL ADVISORY COUNCIL MEETING**

**Tuesday June 23, 2009 at 11:00 A.M
1st Floor Conference Room, Heber M Wells Building
160 E 300 S
Salt Lake City, UT**

The following Advisory Council members were in attendance:

Sherrie Hayashi, Commissioner, Utah Labor Commission
Steve Childs, Skyline Mine
Don Shelley, Deer Creek Mine
Randy Tatton, President, Mining Health & Safety Solutions
Todd Bingham, President, Utah Mining Association
Miles Nelson, Associate Vice President, College of Eastern Utah
John Baza, Division Director, Department of Natural Resources, Division of Oil, Gas and Mining
Allyn C. Davis, District 9 Manager, MSHA
Jeff McKenzie, Acting Branch Chief, Solid Minerals, US Department of the Interior, BLM
Jimmy Brock, Senior Vice President, Consol Energy
Lamar Guymon, Sheriff, Emery County
Walter Arabasz, Director, Seismology Stations
Kim McCarter, Professor, U of U Department of Mine Engineering
Ralph Sanich, Manager of Health, Safety and Training, Interwest Mining Company
John Byars, Manager of Engineering, Sufco Mine, Arch Coal

Absent:

Terri Watkins, Chief Nursing Officer, Castleview Hospital
Mike Dalpiaz, International Vice President, United Mine Workers of America
Bruce Riches, Captain, Department of Public Safety

Legislative Liaison present:

Senator David Hinkins

Others present:

Alan Hennebold, Deputy Commissioner and Legal Counsel, Utah Labor Commission
Pete Hackford, Division Director, Utah Labor Commission, Div of Boiler, Elevator and Coal Mine Safety
Garth Nielsen, Director, Office of Coal Mine Safety
Debbie King, Administrative Secretary, Coal Miner Certification

1. Sherrie Hayashi, Commissioner – Meeting called to order 11:25 – Slide show of Crandall Canyon shown

- Review of last meetings minutes
 - Todd Bingham made a motion to approve as written.
 - Jimmy Brock seconded the motion.
 - Minutes were approved without opposition
- Todd Bingham – President, Utah Mining Association introduced
- Commissioner recommended article written by Scott Matheson, Chair of Utah Coal Mine Safety Commission (Journal of Land, Resources and Environmental Law) for panel

members to read. Asked who would like a copy. **Action Item – Ami Johnston to email .pdf file of section written by Scott Matheson to all members**

- Prioritization of categories – Prioritizing the 45 agenda items.
 1. Emergency Response
 2. Miner Certification
 3. Training/WETC/CEU
 4. Research/Engineering/Seismology/Plan Reviews and Hydrocarbons
- The priority on the agenda will be the order we work on recommendations. No disagreement from any panel members.

2. Garth Nielsen, Director, Office of Coal Mine Safety – Emergency Response

The Governor gave us Emergency response as our #1 priority, so that was the first task tackled when he was put into his position. We need a blueprint for any and all accidents in Utah. Plan must work for all 8 coal mines. There is a big difference between the 8 different mines on how much they can or are prepared to handle. We have 4 counties we need to focus on, Carbon, Emery, Sevier and Uintah. Our goal for this plan should be all inby mine property is covered by operator and all outby property covered by law enforcement.

- Handouts - call list and notes - attached
- Explanation of desired outcome – who is responsible
- NIMS program is basically “who does what” and when. For any situation/disasters, forest fire, train wreck etc.
 - Deer Creek is going to starting their NIMS training really soon.
 - All counties must receive NIMS training in order to get federal funding. (Ordinance just passed.)
 - Homeland security gives money to fund equipment needed to each county for programs such as code red.
 - County decides how to spend that money. Emery and Carbon County are on Code Red.
- Reverse 911 (Code Red) – Mine Operator or MSHA places call – one call to dispatch will notify all affected people. *Sheriff Guymon pointed out that they already have a list of contacts and codes that they use when working with dispatch.* Training to be done on regular basis – Allyn Davis not sure of regularity requirement of training – need to be refreshed
 - 4 counties, Sevier, Emery, Uintah, Carbon
 - Will page phone numbers, pagers or human answer and leave a message (can program any number to dial – no limit to how many that we know of.)
 - Within the message leave a number to call in response.
 - *Randy Tatton – suggested that a group be created to discuss emergency response with all of the individual mines.*
 - *Sherriff Guymon – noted **National Incident Management System - training mandatory for all county employees, tabletop training, importance of training***
 - *Allyn Davis –15 minutes to report 12 incidents to MSHA but nothing specific for county or state government (**15 minutes begins at the time the operator becomes aware of the incident**)*

* Note: All comments noted have been italicized for easy recognition.

- *Alan Hennebold – How is it determined that something is serious enough to be reported? Who decides who makes the decision to decide “Who does what?” Is it this group? Example: first call goes to County Sheriff, they call response – ambulance, officers. EMT’s take care of medical, cops take care of legal issues, mine operators take care of mine issues/people.*
- *Pete Hackford: Referred to the State Code, we have been charged with the decision.*
- *Alan Hennebold - How do we/they know when to put an emergency plan into action? What type of event would warrant such action?*
- *Steven Childs points out that mine operator and workers know at what point emergency services. It is federal law that each mine has its own emergency response plan, and they have received training on that plan.*
 - 1. *Responsible person training required at all mines- provides guidelines for actions to be taken in the event of any emergency in the mine*
- *Sheriff Guymon: tabletop meetings with all the players in the room, and mock drills to train everyone are **key** in knowing what to do in the real events.*
- *Allyn Davis pointed out that emergency plans that are submitted get stale. They need to be refreshed/updated.*
- *JD McKenzie: suggested that the State augment federal law for emergency response and put a time frame requirement for how often things are updated/refresher.*
- *Allan Davis: Suggested that the State could implement requirements.*
- *Todd Bingham: This is a good start, notification list, but we also need an action plan in place each person notified. What is done once we have been notified? Asked Sheriff Guymon to give incite on emergencies they have responded to. One-size-fits-all won’t work.*
- *Randy Tatton: Let’s use Skyline as a blueprint and get all the other mines up to that level.*
- *Pete Hackford: We would like suggestion for the language for the Rule that needs to be written in the Utah code.*
 - 1. *Sherrie Hayashi – For purpose of the rule - decision should be listed as the mine operator responsible person.*
 - 2. *Verbiage of rule to be written before next meeting*

3. Sherrie Hayashi, Commissioner - Public Comment

Ken May, SUFCO: Everything is in place with all Utah mines (except maybe two) and MSHA and law enforcement for emergency response. Can’t we just add Garth to that loop? The responsibility needs to lie with the operators. Let us take care of it. We do annual training with our people and with law enforcement. We are prepared for an emergency at our mine.

- *Notification of emergency should go to Garth – motion made that rule should contain “OCMS must be notified in the same 15 minute window as MSHA when an accident is reportable” – no opposition*
- *Tabletop training required yearly – motion made that Garth should set forth criteria for requirements regarding tabletop training annually (calendar year)*
- *Should LC be involved when an operator should report an accident? Garth will watch the situation and report back in one year to see if this is necessary or not.*

- *Alan Hennebold: Garth is only one person. Sheriff office is staffed 24/7. We could use dispatch to notify OCMS.*
- *Jimmy Brock: The most knowledgeable person to make the initial call is the operator. The most difficult part to deal with is the outside interference.*
- Commissioner: Asked for recommendations for how often plans should be updated.
- *LaMar Guymon: We do our inspections yearly.*
- *John Byars: Yearly*
- *Jimmy Brock: We do a lot of things yearly, just add that to it.*
- Commissioner: Still concerned with what warrants a call for emergency from the operator.
- *Pete Hackford: How many people understand how the Rule process works?*
- Alan Hennebold: Explained how the Rule process works with legislation.

- Commissioner: 3 items for vote
 1. Emergency notification to Garth (same as MSHA)
 - a. Sheriff Guymon set forth a motion that the Office of Coal Mine Safety should be notified within 15 minutes of a reportable accident. (This requirement is the same as MSHA Immediately Reportable Accidents)
 - b. Miles Nelson seconded the motion.
 - c. Vote to accept was unanimous.
 2. Emergency table top training happen yearly
 - a. Todd Bingham set forth a motion that table top training for emergency response and responsible party individuals and review of emergency response plans should occur yearly with the Director of the Office of Coal Mine Safety.
 - b. Jimmy Brock seconded motion
 - c. Vote for was unanimous.
 3. Guidelines for when an operator should invoke emergency services.
 - a. Table for now. Reassess after Garth has 18 month review with all 8 mines.

Kim McCarter: Priority list is okay, unless an emergency comes up with one of the other topics, can we bring it to the table at that time? Commissioner agreed we would have some flexibility.

Garth Nielsen: What about Gilsonite and Uranium mines. Would mine rescue teams be willing to help out in an emergency? Commissioner determined that this was going to take more consideration.

Next meeting – miner certification – held in Price, September 15, 2009 – Carbon County Event Center - 310 S Fairground Rd, Price

Motion to adjourn by Todd Bingham
Seconded by Randy Tatton.

Adjourn: 2:00 PM