



Pennsylvania Aggregates and Concrete Association

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February 24, 2025

Jessica Shirley
Acting Secretary
Pennsylvania Department of Environmental Protection
400 Market Street
Harrisburg, PA 17101

Re: Comments on 583-2219-001 Guidelines for Submittal of Benching Plans

Dear Acting Secretary Shirley:

Thank you for the opportunity to comment on behalf of the members of the Pennsylvania Aggregates and Concrete Association on the Pennsylvania Department of Environmental Protection (PADEP), Bureau of Mine Safety's proposed *Guidelines for Submittal of Benching Plans Technical Guidance Document* (TGD) (Document Number: 583-2219-001), which was published for comment on Saturday, January 25, 2025, in the Pennsylvania Bulletin.

The Pennsylvania Aggregates and Concrete Association (PACA) is Pennsylvania's leading voice for the surface and underground noncoal mining community. The PACA community represents not only many Pennsylvania born and bred companies, but many small businesses and multi-generational companies - all of whom believe it is important to do business in a safe, environmentally sound, and financially responsible manner. A safe and sustainable mine requires proper planning, design and execution of mine development and benching. Oversight is provided at the federal level by the Mine Safety and Health Administration (MSHA), and at the state level by the Bureau of Mine Safety (BMS), under PADEP.

PACA is concerned that certain aspects of the Guidelines for Submittal of Benching Plans TGD are vague, unworkable, and/or do not properly address the safety concerns of all noncoal underground mines. Pennsylvania has historically mined underground and the cookie cutter TGD as presented does not fit all sites.

Six-Month Notice and Extension Requests. PACA has four comments on the provision in Section 2 (Page 7) that requires an operator to mine a bench area within six months of its approval and submit a written extension request to DEP when the approved area is not mined within six months.

First, these provisions are overly prescriptive and unnecessary for all mines. Market demand and external factors often dictate the pace of mining and therefore when benching could begin. It may not always be possible for an operator to provide six months' notice before benching. We are not aware of a legal basis to require submission of an extension request for approval to DEP six months in advance of benching.



Second, there is no commitment in the TGD for when BMS will respond to a request for benching approval. The requirement of an approved benching plan within six months of commencing benching without a similar time-frame requirement for BMS approval could have a significant impact on the functioning capacity of the mine.

Third, even assuming a six-month request is appropriate, there is not enough detail in the TGD concerning what triggers activation of an approved benching plan (e.g., the first shot into the reserve) and what constitutes an acceptable extension request (e.g., a field meeting with BMS vs resubmitting technical data) for approval. If this proposed guidance requires approval of benching plans, more information on how to extend this required approval should be included.

And fourth and most importantly, the TGD should specifically state that a benching plan in and of itself does not modify the mining permit. The issued permit defines the mining area; a benching plan is an ancillary document that describes engineering and safety practices necessary to bench to a lower elevation.

For the foregoing reasons, PACA recommends deleting the provisions in Section 2 that require a benching evaluation within six months of choosing an area for benching and submission of a written extension request to DEP six months in advance of benching.

S-Pillar. Even though mining operators frequently use the S-Pillar software, NIOSH advises the mining community that S-Pillar™ has limitations and is not applicable to multilevel mines and excessive dip. Section 1.B (Page 3) appropriately recognizes that an alternative model or combination of sound engineering alternatives may be used to analyze pillar stability. However, in the Stability Analysis discussion in Section 2.B (Page 9), BMS should inform operators of what pillar modeling programs to which it has access and describe the BMS process to grant use of a particular model.

Pillar Collapse Matrix. The Pillar Collapse Consequences Matrix on Page 3 and the Risk Assessment for Pillar Collapse on Page 17 appear to be the same table. This table is redundant and unnecessary, as it merely reiterates the known consequence of death or injury without providing any constructive insight or preventative measures. We would like to have the table removed from the TGD.

Post Benching Evaluation. PACA recommends deleting the statement in Section 3 of the TGD that a post benching evaluation should be “verified by BMS.” Operators may conduct such evaluations and perhaps submit them to BMS upon request, but there is no legal requirement for BMS to approve a benching plan or verify an evaluation. Requiring verification of a post benching evaluation makes the TGD appear to have the legal significance of a regulation when in fact it is simply a policy, as stated in the Disclaimer on the first page of the document.





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Comments on the Example Plan

Benching Standards (Page 16):

Paragraph 1. Geologic “disconformities” relates to an unconformity, erosional surface(s) between bedding planes and or a break in the geologic record. The phrase Large Discontinuities, used in S-Pillar™, is better suited.

Paragraph 2. The actions listed here are required under 30CFR Chapter 57. The redundancy is not needed in the guidelines.

Paragraph 3. Final mining heights (post-benching) shall be limited by permit when such information is available. Otherwise, use of S-Pillar™ or a modeling program for pillar design may be used to justify proposed final mining height.

Paragraph 4. In cases where the State Mine Inspector believes the Operator’s Plan is deficient, the Inspector will address all deficiencies with the Operator during the close out of the on-site review. A written report of the deficiencies will be provided upon Operator’s request.

Paragraph 5. The Operator should be aware of whether any geologic features may pose a hazard to the benching of an area. Any mitigations taken by the Operator should be contained in the plan.

Paragraph 6. Thickness of overburden is an integral parameter in S-Pillar™ and should be shown on the plan’s map.

Paragraph 7. The actions listed here are required under 30CFR Chapter 57. The redundancy is not needed in the guidelines.

Paragraph 8. An escapeway is not to be benched without first re-routing it.

Paragraph 9: Pillars will be clearly marked to direct miners towards ramps for escape.

Paragraph 10: Two or more benching ramps should be installed apart from one another for alternative ways to escape a working bench.

Thank you for the opportunity to comment on TGD 583-2219-001. PACA appreciates BMS considering these comments to ensure all sites in Pennsylvania continue safe benching practices.

Respectfully,

Megan K. Dennis

Megan K. Dennis
Director, ESH

