

Do Not Mark In This Box

Form #2

2013 MAR 26 PM 4: 05

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

TITLE OF RULE BEING PROPOSED: ~~Rules Governing Calibration Procedures of Methane Monitors, Certain Definitions, and Implantation of New Technology~~

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

\$3.00

Do Not Mark In This Box

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

TITLE OF RULE BEING PROPOSED: Rules Governing Calibration Procedures of Methane Monitors, Certain Definitions, and Implantation of New Technology

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title:

Rules Governing Calibration Procedures of Methane Monitors, Certain Definitions, and Implantation of New Technology

Type of Rule:

☒ Legislative ☐ Interpretive ☐ Procedural

Agency:

Board of Coal Mine Health and Safety

Address:

1900 Kanawha Blvd Bldg 6 Ste 652 Charleston WV 25311

Phone Number:

304.957.2306

Email: joel.l.watts@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

None.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title:

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The cost of this is placed on the industry will have no cost placed on State revenues.

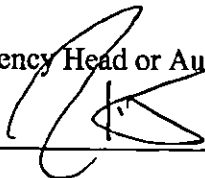
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

N/A

Date: 26 March 2013

Signature of Agency Head or Authorized Representative





WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1900 Kanawha Blvd Bldg 6 Ste 652 Charleston WV 25311 304.957.2306

To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: 36.54 – Rules Governing Calibration Procedures of Methane Monitors, Certain Definitions, and
Implantation of New Technology.

Comment Period Begins: 27 March 2013


Comment Period Ends: 30 April 2013

Authority: §22A-2-43; 29A-3

The Board of Coal Mine Health and Safety is created pursuant to WV Code §22A-6-1

The Board of Coal Mine Health and Safety is opening comment on a proposed legislative rule. At this time, The Board of Coal Mine Health and Safety is unable to define a sustained period of time. The Board will be guided in part by IEC 60079-29. It invites public comment at this time.

Please send all comments to :

Joel L. Watts 
Board of Coal Mine Health and Safety
1900 Kanawha Blvd
Bldg 6, Ste 652
Charleston, WV 25311

You may email comments to joel.l.watts@wv.gov

You may fax comments to 304.558.1224

**TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY**

SERIES 54

**Rules Governing Calibration Procedures of Methane Monitors, Certain Definitions, and
Implantation of New Technology**

§36-54-1. General

1.1 Scope. Rules and regulations governing the initial training program for prospective mine rescue team members in the state of West Virginia.

1.2 Authority. W. Va. Code 29A-3

1.3 Filing Date.

1.4 Effective Date.

§36-54-2. Machine mounted methane monitors

2.1 Approved methane monitors shall be installed and maintained on all face cutting machines, continuous miners, longwall face equipment and other mechanized equipment used to extract coal or load coal within the working place.

2.2 The sensing device for methane monitors on longwall shearing machines shall be installed at the return air end of the longwall face. An additional sensing device also shall be installed on the longwall shearing machine, downwind and as close to the cutting head as practicable. An alternative location or locations for the sensing device required on the longwall shearing machine may be approved in the ventilation plan.

2.3 The sensing devices of methane monitors shall be installed as close to the working face as practicable.

2.4 Methane monitors shall be maintained in permissible and proper operating condition and shall be calibrated with a known air-methane mixture at least once every fifteen days and a record of the calibration shall be recorded with ink or indelible pencil by the person performing the calibration in a book prescribed by the director and maintained on the surface. Calibration records shall be retained for inspection for at least one year from the date of the test. To assure that methane monitors are properly maintained and calibrated, the operator shall use persons properly trained in the maintenance, calibration, and permissibility of methane monitors to calibrate and maintain the devices.

§36-54-3 Automatic de-energization of extraction apparatus

3.1 When the methane concentration at any machine-mounted methane monitor reaches one percent, the monitor shall give a warning signal. The warning signal device of the methane monitor shall be visible to a person operating the equipment on which the monitor is mounted. The methane monitor shall automatically de-energize the extraction apparatus on the machine on which it is mounted, but not the machine as a whole to facilitate proper mining procedures, when:

3.1.1 The methane concentration at any machine-mounted methane monitor reaches one and twenty-five one hundredths percent for a sustained period; or

3.1.2 The monitor is not operating properly.

3.2 The machine's extraction apparatus may not again be started in that place until the methane concentration measured by the methane monitor is less than one percent.

§36-54-4 Calibration Procedures for Methane Monitors

4.1 All machine methane monitors shall be recalibrated once every fifteen (15) days according to the manufacturers specifications with the examination recorded in a book prescribed by the Director.

§36-54-5. Implantation Schedule

5.1 Five years after the effective date of this regulation, all existing face cutting machines, continuous miners, longwall face equipment and other mechanized equipment used to extract coal or load coal within the working place shall be refitted with methane monitors designed to de-energize the extraction apparatus on the machine on which it is mounted when the methane monitor reaches one and twenty-five hundredths percent for a sustained period. Nothing in this provision should be construed to require methane monitors on loading machines operated behind continuous miners.

5.2 Three years after the effective date of this regulation, all new face cutting machines, continuous miners, longwall face equipment and other mechanized equipment used to extract coal or load coal within the working place shall be refitted with methane monitors designed to de-energize the extraction apparatus on the machine on which it is mounted when the methane monitor reaches one and twenty-five hundredths percent for a sustained period. Nothing in this provision should be construed to require methane monitors on loading machines operated behind continuous miners.

§36-54-6. Sustained Period Defined

6.1 Reserved [At this time, The Board of Coal Mine Health and Safety is unable to define a sustained period of time. The Board will be guided in part by IEC 60079-29. It invites public comment at this time.]