

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #1

**Do Not Mark In this Box**

**FILED**

Oct 1 11 12 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: Office of Miners' Health, Safety and Training TITLE NUMBER: 56

RULE TYPE: Legislative; CITE AUTHORITY 22A-1-6

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO x

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing the  
Maintenance of Lead-Acid/Wet-Cell Batteries

DATE OF PUBLIC HEARING: November 15, 1996 TIME: 9:00 a.m.

LOCATION OF PUBLIC HEARING: Conference Room

1615 Washington Street, East

Charleston, West Virginia 25311-2126

COMMENTS LIMITED TO: ORAL \_\_\_ , WRITTEN \_\_\_ , BOTH x

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Miners' Health, Safety & Trng.

1615 Washington St., East

Charleston, WV 25311-2126

ATTN: Public Comment

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

*James B. Lawrence*

3-40

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #2

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Oct 1 11 12 AM '96

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Office of Miners' Health, Safety and Training TITLE NUMBER: 56

RULE TYPE: Legislative; CITE AUTHORITY 22A-1-6

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing the  
Maintenance of Lead-Acid/Wet-Cell Batteries

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON November 11, 1996 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WV Miners' Health, Safety & Training  
1615 Washington Street, East  
Charleston, WV 25311 - 2126  
ATTN: Public Comment

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

*James B. Lawrence*

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Series 2 - Rules and Regulations Governing the Maintenance of Lead-Acid/

Wet-Cell Batteries

Type of Rule:   x   Legislative        Interpretive        Procedural

Agency: WV Office of Miners' Health, Safety and Training

Address: 1615 Washington Street, East , Charleston, WV 25311-2126

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs & Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

To provide maintenance of Lead-Acid/Wet-Cell Batteries instruction

4. Explanation of overall economic impact of proposed rule:

A. Economic impact on State Government

None

B. Economic impact on political subdivisions; specific industries;  
specific groups of citizens

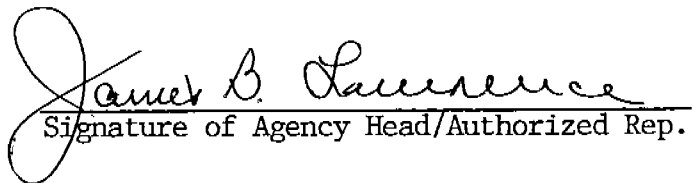
None

C. Economic impact on citizens/public at large

None

Date

9-30-96

  
Signature of Agency Head/Authorized Rep.

There are several potential hazards which may result from inadequately and/or improperly maintained lead-acid/wet-cell type storage batteries. Poorly maintained batteries of this type have the potential to generate hydrogen gas, which presents an explosive hazard. Other problems include the potential for electrical arcing, which can lead to fire as well as the potential for chemical burns caused by acid contained in the batteries. Poorly maintained batteries are also much more likely to generate a fire as a result of leakage.

Current regulations do not address this subject. We feel this proposal will create a necessary mechanism to address the aforementioned hazards.

FILED

56CSR

OCT 1 11 12 AM '96

TITLE 56  
LEGISLATIVE RULES  
OFFICE OF MINERS' HEALTH SAFETY AND TRAINING

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 2  
RULES AND REGULATIONS GOVERNING THE  
MAINTENANCE OF LEAD-ACID/WET-CELL BATTERIES

**Sec. 56-2-1. General**

1.1. Scope. - Rules and regulations governing the maintenance of lead-acid/wet-cell batteries.

1.2. Authority -WV Code Chapter 22A-1-6.

1.3. Filing date -

1.4. Effective date -

**Sec. 56-2-2. Effect of Regulations.**

2.1. These rules and regulations shall have the effect of law and shall be deemed a violation of the law and so cited with the same effect as law. All provisions of WV Code Sec. 22A-1A relative to enforcement are applicable to the enforcement of these rules and regulations.

**Sec. 56-2-3. Definitions.**

3.1. All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in WV Code 22A-1A-1.

3.2. Battery Maintenance - Any servicing, repair and maintaining of lead acid/wet-cell batteries.

3.3. Manufacturing Specifications - The procedures and methods recommended by the battery manufacturer for battery maintenance.

**Sec. 56-2-4. Batteries in General.**

4.1. All lead-acid/wet-cell type of storage batteries shall be maintained in accordance with the battery manufacturers specifications.

4.2. All maintenance or repairs to batteries shall be made by a person or persons properly trained to perform such work.

4.3. Specifications for battery maintenance shall be kept at the mine, and made available to the battery maintenance personnel.