WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

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2012 APR -9 PM 1:28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Coal Mine Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative Exempt CITE AUTHORITY: 22A-6-4

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 RULE BEING PROPOSED: 50

TITLE OF RULE BEING PROPOSED: Rules Governing Automatic Fire Warning Devices

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 10 May 2012 AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

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

Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules Governing Automatic Fire Warning Devices

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: Board of Coal Mine Health and Safety

Address: 1900 Kanawha BLVD East
State Capitol Complex Bldg 6 Ste 652
Charleston WV 25305

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.

ha

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.

na

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.

na

Date: 9 April 2012

Signature of Agency Head or Authorized Representative

_____

WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1900 Kanawha Blvd, E. • Charleston, West Virginia 25305 • Telephone 304-957.2306 • Fax 304-558-1224

PROPOSED REGULATIONS

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: **Belt conveyor; installation; maintenance; examination of belt conveyors and belt entries, automatic fire warning devices,** Title 36, Section 50

Date: 9 April 2012

End Date for Comments: 10 May 2012

Authority: §22.6.4

The Board of Coal Mine Health and Safety is posting a proposed regulation which amends the current statute into regulatory format to increase the degree of safety. This is a new rule. It requires automatic fire warning devices.

You may send all written comments to

ATTN: Joel L. Watts
Board of Coal Mine Health and Safety
1900 Kanahwa BLVD East
State Capitol Complex Building 6, ste 652
Charleston, WV 25305

All comments must be post-marked by 10 May in order to be accepted by the Board for consideration.

TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 50

Belt conveyor; installation; maintenance; examination of belt conveyors and belt entries, automatic fire warning devices

§36-50-1. General.

1.1 Scope. Rules and Regulations Governing Underground Coal Mines in the State of West Virginia

1.2 Authority. W. Va. Code 22A-6-4

1.3 Filing Date.

1.4 Effective Date.

§36-50-2. Automatic fire sensor and warning device systems; installation; minimum requirements

1. Effective _____, automatic fire sensor and warning device systems that use carbon monoxide sensors shall provide identification of fire along all belt conveyors.
    a. Carbon monoxide sensors shall be installed at the following locations:
        i. Not more than 100 feet downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up. If the belt drive, tailpiece, and/or take-up for a single transfer point are installed together in the same air course, and the distance between the units is less than 100 feet, they may be monitored with one sensor downwind of the last component. If the distance between the units exceeds 100 feet, additional sensors are required downwind of each belt drive unit, each tailpiece transfer point, and each belt take-up;
        ii. Not more than 100 feet downwind of each section loading point;
        iii. Along the belt entry so that the spacing between sensors does not exceed 1,000 feet. Where air velocities are less than 50 feet per minute, spacing must not exceed 350 feet; and
        iv. The mine operator shall indicate the locations of all carbon monoxide sensors on the mine maps required by _____ and _____ of this code of state regulations.

b. Where used, sensors responding to radiation, smoke, gases, or other indications of fire, shall be spaced at regular intervals to provide protection equivalent to carbon monoxide sensors, and installed within the time specified in paragraph (a)(3) of this section.

c. When the distance from the tailpiece at loading points to the first outby sensor reaches the spacing requirements in _____, an additional sensor shall be installed and put in operation within 24 production shift hours. When sensors of the kind described in paragraph (a)(2) of this section are used, they shall be installed and put in operation within 24 production shift hours after the equivalent distance which has been established for the sensor from the tailpiece at loading points to the first outby sensor is first reached.

2. Automatic fire sensor and warning device systems shall be installed so as to minimize the possibility of damage from roof falls and the moving belt and its load. Sensors must be installed near the center in the upper third of the entry, in a manner that does not expose personnel working on the system to unsafe conditions. Sensors must not be located in abnormally high areas or in other locations where air flow patterns do not permit products of combustion to be carried to the sensors.

3. Infrared, ultraviolet, and other sensors whose effectiveness is impaired by contamination shall be protected from dust, dirt, and moisture.

4. The voltage of automatic fire sensor and warning device systems shall not exceed 120 volts.

5. Except when power must be cut off in the mine under the provisions of _____, automatic fire sensor and warning device systems shall be capable of giving warning of fire for a minimum of 4 hours after the source of power to the belt is removed unless the belt haulageway is examined for hot rollers and fire as provided in paragraph (e)(1) or (2) of this section.

   a. When an unplanned removal of power from the belt occurs an examination for hot rollers and fire in the operating belts of a conveyor system shall be completed within 2 hours after the belt has stopped.

   b. When a preplanned removal of power from the belt occurs an examination for hot rollers and fire on the operating belts of a conveyor system may commence not more than 30 minutes before the belts are stopped and shall be completed within 2 hours after the examination is commenced, or the examination shall be commenced when the belts are stopped and completed within 2 hours after the belts are stopped.

§36-50-3 Automatic fire warning devices; actions and response.

1. When the carbon monoxide level reaches 10 parts per million above the established ambient level at any sensor location, automatic fire sensor and warning device systems shall provide an effective warning signal at the following locations:
    a. At working sections and other work locations where miners may be endangered from a fire in the belt entry.
    b. At a manned surface location where personnel have an assigned post of duty. The manned surface location must have:
        i. A telephone or equivalent communication with all miners who may be endangered and
        ii. A map or schematic that shows the locations of sensors, and the intended air flow direction at these locations. This map or schematic must be updated within 24 hours of any change in this information.
    c. The automatic fire sensor and warning device system shall be monitored for a period of 4 hours after the belt is stopped, unless an examination for hot rollers and fire is made as prescribed in _____.
2. The fire sensor and warning device system shall include a means for rapid evaluation of electrical short and open circuits, ground faults, pneumatic leaks, or other defect detrimental to its proper operational condition.
3. Automatic fire sensor and warning devices shall include a manual reset feature.
4. When a malfunction or warning signal is received at the manned surface location, the sensors that are activated must be identified and appropriate personnel immediately notified.
5. Upon notification of a malfunction or warning signal, appropriate personnel must immediately initiate an investigation to determine the cause of the malfunction or warning signal and take the required actions set forth in paragraph (f) of this section.
6. If any sensor indicates a warning, the following actions must be taken unless the mine operator determines that the signal does not present a hazard to miners:
    a. Appropriate personnel must notify miners in affected working sections, in affected areas where mechanized mining equipment is being installed or removed, and at other locations specified in the approved mine emergency evacuation and firefighting program of instruction; and

b. All miners in the affected areas, unless assigned emergency response duties, must be immediately withdrawn to a safe location identified in the mine emergency evacuation and firefighting program of instruction.

7. If the warning signal will be activated during calibration of sensors, personnel manning the surface location must be notified prior to and upon completion of calibration. Affected working sections, areas where mechanized mining equipment is being installed or removed, or other areas designated in the approved emergency evacuation and firefighting program of instruction must be notified at the beginning and completion of calibration.

8. If any fire detection component becomes inoperative, immediate action must be taken to repair the component. While repairs are being made, operation of the belt may continue if the following requirements are met:

   a. If one sensor becomes inoperative, a trained person must continuously monitor for carbon monoxide at the inoperative sensor;

   b. If two or more adjacent sensors become inoperative, trained persons must patrol and continuously monitor the affected areas for carbon monoxide so that they will be traveled each hour in their entirety. Alternatively, a trained person must be stationed at each inoperative sensor to monitor for carbon monoxide;

   c. If the complete fire detection system becomes inoperative, trained persons must patrol and continuously monitor the affected areas for carbon monoxide so that they will be traveled each hour in their entirety;

   d. Trained persons who conduct monitoring under this section must have two-way voice communication capability, at intervals not to exceed 2,000 feet, and must report carbon monoxide concentrations to the surface at intervals not to exceed one hour;

   e. Trained persons who conduct monitoring under this section must immediately report to the surface any concentration of carbon monoxide that reaches 10 parts per million above the established ambient level, unless the mine operator knows that the source of the carbon monoxide does not present a hazard to miners; and

   f. Handheld detectors used to monitor the belt entry under this section must have a detection level equivalent to that of the system's carbon monoxide sensors.

§36-50-4 Automatic fire sensor and warning device systems; examination and test requirements.

1. Automatic fire sensor and warning device systems shall be examined at least once each shift when belts are operated as part of a production shift. A functional test of the warning signals shall be made at least once every seven days. Examination and maintenance of such systems shall be by a qualified person.
2. A record of the functional test conducted in accordance with paragraph (a) of this section shall be maintained by the operator and kept for a period of one year.
3. Sensors shall be calibrated in accordance with the manufacturer's calibration instructions at intervals not to exceed 31 days. A record of the sensor calibrations shall be maintained by the operator and kept for a period of one year.