

DEPARTMENT OF MINES  
CHAPTER 22-4  
SERIES ~~12~~ 3

Subject : Rules and Regulations Governing the Certification and Statutory Duties of Shaft and / or Slope Superintendent-Examiner-Foreman and Examiner-Foreman.

TYPE OF RULE: LEGISLATIVE

Section 1. General

1.1 Scope - same as this  
1.2 Authority - These rules and regulations are issued under authority of West Virginia Code, Chapter 22, Article 2-A, 22-6-4

Section 4.  
1.3 Filing Date - May 4, 1978  
1.2 Effective Date - These rules and regulations were promulgated on the 4th day of May and became effective on the 4th day of September 4, 1978.

1.3 State Register - These rules and regulations were published in the State Register in the office of the Secretary of State on the \_\_\_\_\_ day of \_\_\_\_\_.

Section 2. When Superintendent-Examiner-Foreman and / or Examiner-Foreman Required.

2.1 After the effective date of these rules and regulations, all duties hereto performed by persons as Superintendent, Shaft and / or Slope Examiner or Foreman shall be performed by persons certified as Superintendent-Examiner-Foreman or Examiner-Foreman.

2.2 After the effective date of these rules and regulations, each person previously certified as examiner by Chapter 22, Article 2, Section 70 of the Code will be issued certificates as Superintendent-Examiner-Foreman. 22A-2-70

2.3 After the effective date of these rules and regulations every certificate heretofore issued to a Superintendent shall be deemed to be equal value to a certificate issued hereafter to a Shaft and / or Slope Examiner-Foreman.

### Section 3. Employment of Agent

3.1 At each shaft and / or slope construction operation, the operator shall employ a shaft and / or slope superintendent, who shall be the agent in charge of the shaft and / or slope operation.

3.2 A certified person shall be in attendance at all times at each shaft and / or slope who has passed an examination given by the Department of Mines.

### Section 4. Superintendent-Shaft and / or Slope Certification

4.1 Each applicant for certification as a shaft and / or slope superintendent shall, at the time he is issued a certificate: (1) Have had at least five years experience in the underground workings, ventilations and drainage of a shaft and / or slope, or other related experience approved by the director of the Department of Mines which shall include at least twenty-four months experience in the working place of a shaft and / or slope or be a graduate of the school of mines of an accredited mining engineering technology, electrical, mechanical or civil engineering technology, electrical mechanical or civil engineering and have had at least four years practical experience in the construction of shafts and / or slopes or other related experience approved by the director of the Department of Mines which shall include at least twenty-four months experience in the working place of shafts and / or slopes.

(2) Have demonstrated his knowledge of dangerous mine gases and their detection, mine safety, first-aid, safety appliances, state mining laws and regulations by completing an examination as may be required of him by the

Director of the Department of Mines.

Section 5. Duties - Shaft and / or Slope Superintendent.

5.1 The superintendent shall, each day, read carefully and countersign with ink or indelible pencil all reports entered in the record book of the Shaft and / or Slope Examiner.

5.2 The superintendent shall provide and maintain at all shaft and / or slope operations lights of stationary character, sufficient to illuminate the surface landing area and all surrounding objects distinctly.

5.3 The superintendent or other certified person shall give prompt attention to the removal of all dangers reported to him by his Examiner-Foreman or any other person working in a Shaft and / or Slope, and in case it is impracticable to remove the danger at once, he shall see that such area is properly dangered off.

5.4 It shall be the duty of the superintendent of every shaft and / or slope operation in this state to see that all persons employed be furnished a copy of the rules and regulations promulgated by the Coal Mine Health and Safety Board.

5.5 The superintendent shall see that a new company employee, regardless of previous experience, receive instructions in a particular danger incident in such shaft and / or slope work and be furnished a copy of the rules and regulations promulgated by the Coal Mine Health and Safety Board. Each such new employee shall be adequately familiarized with the approved roof control plan, ventilation plan and ventilating controls and hoisting procedures, location of first-aid equipment and procedures established for contacting medical assistance, check-in check-out system, communications, fire protection and evacuation. He shall be given a complete tour and explanation of the entire construction operation.

5.6 It shall be the duty of the superintendent to provide a danger

signal (a separate signal for each shift) red in color at a conspicuous location on the surface near each shaft and / or slope opening.

5.7 The superintendent or other certified Examiner-Foreman designated by him shall, at least weekly, search all persons, entering or about to enter a shaft and / or slope, to prevent such person from taking or carrying therein any hallucinating drugs, matches, pipes, cigars, cigarettes, or any device for making lights or fire not authorized or approved. The superintendent or other certified Examiner-Foreman designated by him shall, at least weekly, search all shaft and / or slope surface employees for hallucinating drugs and alcoholic beverages. Such person being searched may be required to reveal the contents within their clothing and material belongings. Results of weekly searches shall be recorded in ink or indelible pencil in the shaft and / or slope examiner record book prescribed by the Director of the Department of Mines.

5.8 The superintendent shall at least monthly examine stored first-aid supplies and first-aid equipment. Should he find an inadequate supply to comply with the provisions of these rules and regulations, immediate action shall be taken to provide such first-aid equipment as required.

5.9 The superintendent or other certified person shall not permit unauthorized persons around shafts and / or slopes.

5.10 The superintendent shall provide a check-in and check-out system which shall consist of a check board or time clock record, in the place that will not be affected in the event of an explosion.

5.11 The superintendent of the shaft and / or slope and in his absence, the Examiner-Foreman in charge of the shaft and / or slope, shall give immediate notice to a representative of the Department of Mines and a representative of the miner's, the particulars of any accident.

5.12 Whenever any accident occurs in or about any shaft and / or slope

to any employee or person connected with the operation resulting in personal injury or death, the superintendent shall, within seventy-two hours, report the same in writing to the Department of Mines giving full details thereof upon forms furnished by the Department of Mines.

5.13 Following an accident in a shaft and / or slope resulting in the serious injury or death of one or more persons and following any disaster in a shaft and / or slope, the evidence surrounding such occurrence shall not be disturbed after recovery of bodies or injured persons until an investigation by the Department of Mines has been completed.

Section 6. Duty of Operator; Duty of Superintendent to Notify Operator When Unable to Comply with Rules and Regulations.

6.1 Every operator of a shaft and / or slope shall furnish all supplies necessary for the superintendent to comply with requirements of these rules and regulations.

6.2 The superintendent shall notify, in writing, the operator of the shaft and / or slope, and the Director of the Department of Mines, of his inability to comply with any of the requirements of the rules and regulations.

Section 7. When Examiner-Foreman May Be Designated

7.1 At any shaft and / or slope in which the operation is so extensive that the duties devolving upon the Superintendent-Examiner-Foreman cannot be discharged by one man, one or more Examiner-Foreman may be designated and such person shall act under the instruction of the Superintendent-Examiner-Foreman.

7.2 Any person holding a superintendent, Examiner or Foreman Certificate issued by any other state may act in the capacity of Superintendent-Examiner or Foreman in any shaft and / or slope in this state until the next regular examination is held by the Department of Mines, but not to exceed a maximum of ninety days.

### Section 8. Examiner-Foreman Certification

8.1 At every shaft and / or slope the operator shall employ at least one person certified as a shaft and / or slope Examiner-Foreman. Each applicant for certification as a shaft and / or slope Examiner-Foreman at the time he is issued a certificate shall: (1) Have had at least three years experience in the workings, ventilation and drainage of a shaft and / or slope, twenty-four months experience in the working place of a shaft and / or slope or be a graduate of an accredited mining engineering school with a bachelors degree in mining engineering technology, electrical, mechanical or civil engineering and have had at least two years practical experience in a shaft and / or slope or other related construction work approved by the Director of the Department of Mines, which shall include at least eighteen months experience in the working place of a shaft and / or slope.

(2) Have demonstrated his knowledge of dangerous mine gases and their detection, mine safety, first-aid, safety appliances, state mining laws and regulations by completing an examination as may be required of him by the Director of the Department of Mines.

### Section 9. Duties Shaft and / or Slope Foreman

9.1 The foreman shall before the beginning of any shift upon which he will perform supervisory duties, review carefully and countersign all books and records reflecting the conditions and the areas under his supervision which the operator is required to keep under these rules and regulations.

9.2 The foreman shall keep a careful watch over the ventilating apparatus, pumps and drainage.

9.3 The foreman shall not permit any person to work where he is unable to maintain the quality and quantity of air current as heretofore required; Provided, that such provisions shall not prohibit the employment of men to make the place of employment safe.

9.4 A Superintendent-Examiner-Foreman or Examiner-Foreman shall be in attendance at all times at each shaft and / or slope operation.

9.5 The foreman shall carry a lighted permissible flame safety lamp and approved methane gas detector at all times when in a shaft and / or slope.

9.6 It shall be the duty of the foreman to immediately remove any accumulations of explosive or noxious gases after its discovery.

9.7 The foreman shall direct and see that the entrance or entrances to all dangerous places are properly dangered off; he shall give prompt attention to the removal of all dangers, and in case it is impracticable to remove the danger at once, he shall notify all persons whose safety is menaced thereby to remain away from the area where the dangerous condition exists.

9.8 It shall be the duty of the foreman to examine all working places under his supervision for hazards at least once every two hours during each working shift, or more often if necessary for safety. Such examination shall include test for methane gas and oxygen deficiency, examinations of roof, face and ribs in working places of shafts and / or slopes.

9.9 An examination for methane and other hazardous conditons shall be made before and after shooting by the foreman.

9.10 Evidence of the foreman's examinations shall be left on an approved device at the working place by marking the date, time and his initials.

9.11 The foreman on each shift shall record conditions and practices in a book prescribed by the Director of the Department of Mines. Unsatisfactory conditions or practices reported and action taken shall be continuously repeated on the daily report until corrected.

9.12 It shall be the duty of the foreman to examine the surface area surrounding each shaft and / or slope for hazards four hours after the

beginning of the work shift, or more often if necessary for safety.

9.13 The foreman shall examine and test daily the signaling systems used for communications in shafts and / or slopes.

Section 10. Duties - Shaft and / or Slope Examiner

10.1 It shall be the duty of the Shaft and / or Slope Examiner, acting as such, to prepare the danger signal (a separate signal for each shift) with red color at the shaft and / or slope entrances prior to his making his pre-shift examination.

10.2 It shall be the duty of the Shaft and / or Slope Examiner to examine each shaft and / or slope within ninety minutes prior to the beginning of each shift and before any worker on such shift enters the shaft and / or slope.

10.3 In making a pre-shift examination the Shaft and / or Slope Examiner shall examine each working place with a permissible flame safety lamp for oxygen deficiency, and each working place with an approved permissible methane detector for methane gas, examine sides of shafts and ribs and roof of all slopes.

10.4 Should the Shaft and / or Slope Examiner find an accumulation of methane gas in excess of one-percent or a condition he considers dangerous to persons, he shall place a conspicuous danger sign at all entrances to such place or places. If a danger sign is posted by the Shaft and / or Slope Examiner only persons authorized by the Shaft and / or Slope Examiner, Operator or agent shall enter such places for the purpose of eliminating the dangerous condition.

10.5 The Shaft and / or Slope Examiner shall place his initials, date and time within twenty-five feet of the places he examines.

10.6 When the Shaft and / or Slope Examiner finds the shaft and / or slope safe he shall indicate so by changing the danger sign, red in color, to

a safe sign, green in color, indicating the shaft and / or slope safe, the employees going on shift may enter such shaft and / or slope.

10.7 The Shaft and / or Slope Examiner shall record the results of his pre-shift examination with ink or indelible pencil in a book prescribed by the Director of the Department of Mines, kept for such purpose at a place on the surface of the shaft and / or slope designated by the shaft and / or slope operator.

10.8 All records as prescribed herein, shall be open for inspection by interested persons and such employees working at such shaft and / or slope operation.

10.9 Except for those persons already on assigned duty only the shaft and / or slope operator or agent shall be permitted beyond the danger signal, while red in color, until the shaft and / or slope has been examined by the Shaft and / or Slope Examiner.

10.10 No person shall enter such shaft for any purpose at the beginning of work upon each shift therein until such signal has been changed to green in color by the examiner, as provided by these rules and regulations, except under his direction another designated shaft worker shall ride with such examiner and remain in the bucket, to relay signals to the hoist operator in case of an emergency, during his initial pre-shift examination each day, provided however, that when men are regularly working on a shift and workers are inside such shaft another shaft worker is not required to accompany him.

Section 11. Shaft and / or Slope Examiner to Have No Superior Officers

11.1 In the performance of the duties devolving upon a shaft and / or slope examiner, acting as such, they shall have no superior officers, but all employees working inside of such shaft and / or slope shall be subordinate to them in their particular work.

Section 12. Authority of Examiner to Perform Other Duties.



Section 13. Definitions

13.0 Unless the context in which used clearly requires a different meaning, the following definitions shall apply to these rules and regulations:

13.1 Mine: The term "mine" includes the shafts, slopes, drifts or inclines connected with, or intended in the future to be connected with, excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment connected or associated therewith which contribute directly or indirectly to the mining preparation or handling of coal, or construction thereof.

13.2 Shaft: The term "shaft" shall mean a vertical opening through the strata that is or may be used for the purpose of ventilation, drainage, and the hoisting and transportation of men and material, in connection with the mining of coal.

13.3 Slope: The term "slope" shall mean a plane or incline roadway, usually driven to a coal seam from the surface and used for the same purposes as a shaft.

13.4 Drift: The term "drift" shall mean a horizontal or approximately horizontal opening through any natural strata or in a coal seam and used for the same purposes as a shaft.

13.5 Department: The term "department" shall mean the state department of mines provided for in section two of Chapter <sup>22A-1A-1</sup> 22, Article X of the Code.

13.6 Director of the Department of Mines: The term "director of the department of mines" shall mean the director of the department of mines provided for in section three of Chapter <sup>22A 1A-1</sup> 22, Article X, of the Code, and is synonymous with the term "chief of the department of mines."

13.7 Mine Inspector: The term "mine inspector" shall mean a state

mine inspector provided for in Section Seven of Chapter <sup>22A</sup>22, Article <sup>1A-1</sup>X, of the Code.

13.8 Board of Appeals: The term "board of appeals" shall mean as provided for in Section Thirty-One of Chapter <sup>22A</sup>22, Article <sup>1A-1</sup>X, of the Code.

13.9 Mine Inspectors' Examining Board: The term "Mine Inspectors' Examining Board" shall mean the Mine Inspectors' Examining Board provided for in Section Twelve of Chapter <sup>22A</sup>22, Article <sup>1A-1</sup>X, of the Code.

13.10 Excavations and workings: The term "excavations and workings" shall mean any or all parts of a mine excavated or being excavated, including shaft, slopes, drifts, tunnels, entries, rooms and working places, either abandoned or in use.

13.11 Active Workings: The term "active workings" shall mean all places in a shaft and / or slope that are ventilated and inspected regularly.

13.12 Working Place: The term "working place" shall mean the area of a shaft and/or slope inby the surface collar.

13.13 Working Face: The term "working face" shall mean any place in a shaft and/or slope in which work of extracting material from its natural deposit in the earth is being performed.

13.14 Attendance: The term "attendance" shall mean a distance not to exceed the radius of four-hundred feet from the collar of a shaft and/or slope and within sight or sound.

13.15 Working Unit: The term "working unit" shall mean an area of a shaft and/or slope in which natural deposits are mined with a set of production equipment; a conventional mining unit by a single loading machine; or continuous mining unit by a single continuous machine.

13.16 Return Air: The term "return air" shall mean a volume of air that has passed through and ventilated the working face in a shaft and/or slope.

13.17 Imminent Danger: The term "imminent danger" means the existence of any condition or practice in a shaft and/or slope, where all the potentials are present, that could constitute, or cause a serious injury to any person before corrections can be made, or while the corrections are being made.

13.18 Accident: The term "accident" shall mean any explosion, ignition, fire, or inundation, or injury to, or death of any person in a shaft and/or slope.

13.19 Interested Persons: The term "interested persons" shall include the operator, members of any mine safety committee at the mine affected and other duly authorized representative of the mine workers and department of mines.

13.20 Agent: The term "agent" means the person charged with the responsibility for the operation of all or a part of a shaft and/or slope or the supervision of the miners in a shaft and/or slope.

13.21 Operator: The term "operator" shall mean any firm, corporation, partnership or individual engaged in the construction of shafts and/or slopes and the associated facilities thereof.

13.22 Superintendent: The term "superintendent" shall mean the certified person whom the operator shall place in charge of a shaft and/or slope or associated facilities thereof.

13.23 Shaft-Slope Miner: The term "shaft and/or slope miner" shall mean any individual working in a shaft and/or slope or associated facilities thereof.

13.24 Supervisor: The term "supervisor" shall mean a Superintendent-Examiner-Foreman or Examiner-Foreman designated by the superintendent to supervise all or employees and who is acting pursuant to such specific designation and instructions.

13.25 Certified Person: The term "certified person", when used to designate the kind of person to whom the performance of a duty in connection with the operation of a shaft and/or slope shall be assigned, shall mean a person who is qualified under the provisions of these rules and regulations to perform such duty.

13.26 Certified Electrician: The term "certified electrician" shall mean any person who is qualified as a mine electrician and who has passed an examination given by the department of mines, or has at least three years of experience in performing electrical work underground in a coal mine, in the surface work areas of an underground coal mine, in a surface coal mine, in a non-coal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed an electrical training program approved by the Department of Mines.

13.27 Approved: The term "approved" shall mean in strict compliance with the mining law, or, in the absence of law, accepted by a recognized standardizing body or organization whose approval is generally recognized as authoritative on the subject.

13.28 Permissible: The term "permissible" shall mean any equipment, device or explosive that has been approved as permissible by the United States Bureau of Mines and meets all requirements, restrictions, exceptions, limitations and conditions attached to such classification by the bureau.

13.29 Armored Cable: The term "armored cable" shall mean a fabricated assembly of insulated conductors and a flexible metallic covering.

13.30 Borehole Cable: The term "borehole cable" shall mean a cable designed for vertical suspension in a borehole or shaft and used for power circuits in the mine.

13.31 Cable: The term "cable" shall mean a standard conductor

(single conductor cable) or a combination of conductors insulated from one another (multiple conductor cable).

13.32 Flame-resistant cable, portable: The term "flame-resistant cable, portable" shall mean a portable flame-resistant cable that has passed the flame tests of the federal bureau of mines.

13.33 Portable (trailing) cable: The term "portable (trailing) cable" shall mean a flexible cable or cord used for connecting mobile, portable or stationary equipment to an external source of electric energy where permanent mine wiring is prohibited or is impracticable.

13.34 Branch Circuit: The term "branch circuit" shall mean any circuit, alternating current or direct current, connected to and leading from the main power lines.

13.35 Circuit Breaker: The term "circuit breaker" shall mean a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

13.36 Zig-zag transformer (grounding transformer): The term "zig-zag transformer (grounding transformer)" shall mean a transformer intended primarily to provide a neutral point for grounding purposes.

13.37 Neutral Point: The term "neutral point" shall mean the connection point of transformer or generator windings from which the voltage to ground is nominally zero, and is the point generally used for system groundings in wye-connected a.c. power system.

13.38 Neutral (derived): The term "neutral (derived)" shall mean a neutral point or connection established by the addition of a "zig-zag" or grounding transformer to a normally underground power system.

13.39 Effectively Grounded: The term "effectively grounded" is an expression which means grounded through a grounding connection of sufficiently low impedance (inherent or intentionally added or both) so that fault grounds which may occur cannot build up voltages in excess of limits established

for apparatus, circuits or systems so grounded.

13.40 Grounded (earthed): The term "grounded (earthed)" shall mean that the system, circuit, or apparatus referred to is provided with a ground.

13.41 Ground or grounding conductor (mining): The term "ground or grounding conductor (mining)", also referred to as a safety ground conductor, safety ground, and frame ground, shall mean a metallic conductor used to connect the metal frame or enclosure of any equipment, device or wiring system to an effective grounding medium.

13.42 Delta Connected: The term "delta connected" shall mean a power system in which the windings or transformers or a.c. generators are connected to form a triangular phase relationship, and with phase conductors connected to each point of the triangle.

13.43 Wye-connected: The term "wye-connected" shall mean a power system connection in which one end of each phase windings or transformers or a.c. generators are connected together to form a neutral point, and a neutral conductor may or may not be connected to the neutral point, and the neutral point may or may not be grounded.

13.44 High Voltage: The term "high voltage" shall mean voltages of more than one-thousand volts.

13.45 Medium Voltage: The term "medium voltage" shall mean voltages from six-hundred sixty-one to one-thousand volts.

13.46 Low Voltage: The term "low voltage" shall mean up to and including six-hundred sixty volts.

13.47 Lightning Arrestor: The term "lightning arrestor" shall mean a protective device for limiting surge voltage on equipment by discharging or by passing surge current to ground and is capable of repeating these functions as specified.

13.48 Power center or distribution center: The term "power center or distribution center" shall mean a combined transformer or distribution unit, complete within a metal enclosure from which one or more low-voltage power circuits are taken.

13.49 Deadman Control: The term "deadman control" shall mean a hand-or-foot operated device which must be moved to a certain position before the hoist will function and when released will stop the hoist independent of the overspeed or overwind controls.

13.50 Indicator: The term "indicator" shall mean a dial or column with a hand or pointer attached which is operated by a chain or gear drive from the drum shaft which shows the position of the bucket in the shaft.