

Title 36
Legislative Rules
Board of Coal Mine Health & Safety
~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~

~~DEPARTMENT OF MINES~~

CHAPTER ~~22-4~~

SERIES ~~22~~ 11

(1981)

SUBJECT(S): RULES AND REGULATIONS GOVERNING WHEN UNDERGROUND MINE FOREMAN - FIRE BOSS REQUIRED; ASSISTANTS; CERTIFICATION; THE REOPENING OF ABANDONED MINES; AND THE DEENERGIZATION OF SELF-PROPELLED ELECTRIC COAL FEEDERS; PERFORMANCE REQUIREMENTS

TYPE OF RULE: LEGISLATIVE

Section 1. General *1.1 Scope same*

1.01 Authority - These rules and regulations are issued under authority of Section ~~4~~⁴, Article ~~2A~~⁶, Chapter ~~22~~^{22A} of the Code. *Filing Date*

1.02 Effective Date - These rules and regulations were promulgated on the 6th day of November, 1981, and become effective on the 1st day of January, 19 82.

Section 2. Effect of Regulations

These rules and regulations shall have the effect of law and violations shall be deemed a violation of law and so cited with the same effect as law. All provisions of Article ~~1~~^{1A}, Chapter ~~22~~^{22A} of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

Section 3. Definitions

All terms used in these rules and regulations, not defined herein, shall have the meaning set forth in Section ~~1~~¹, Article ~~1~~^{1A}, Chapter ~~22~~^{22A} of the Code.

Section 4. When underground mine foreman-fire boss required; assistants; certification

(a) In every underground mine where five or more persons are employed in

a period of twenty four hours, the operator shall employ at least one person certified in accordance with the provisions of article ~~six-a~~⁹, Chapter ~~22~~²² of the West Virginia Code, as a mine foreman-fire boss. Each applicant for certification as a mine foreman-fire boss shall, at the time he is issued a certificate of competency: (1) Be a resident or employed in a mine in this state; (2) have had 'at least five years' experience in the underground working, ventilation and drainage of a coal mine, which shall include at least eighteen months' experience on or at a working section of a underground mine or be a graduate of the School of Mines at West Virginia University or of another accredited mining engineering school or be a graduate of an accredited engineering school with a bachelor's degree in mining engineering technology, electrical, mechanical or civil engineering; and have had at least two years' practical experience in an underground mine, which shall include at least eighteen months' experience on or at a working section of an underground mine; or be a graduate of an accredited college or university with an associate degree in mining, electrical, mining engineering technology, mechanical engineering or civil engineering and have had at least four years' practical experience in an underground mine, which shall include at least eighteen months' experience on or at a working section of an underground mine; and (3) have demonstrated his knowledge of dangerous mine gases and their detection, mine safety, first aid, safety appliances, state and federal mining laws and regulations and other subjects by completing such training, educations and examinations as may be required of him under these rules and regulations.

(b) In mines in which the operations are so extensive that the duties devolving upon the mine foreman-fire boss cannot be discharged by one man, one or more assistant mine foreman-fire bosses may be designated. Such persons shall

act under the instruction of the mine foreman-fire boss, who shall be responsible for their conduct in the discharge of their duties. Each assistant so designated shall be certified under the provisions of article ~~six-a~~⁹, Chapter ~~22~~²² of the West Virginia Code. Each applicant for certification as assistant mine foreman-fire boss shall, at the time he is issued a certificate of competency, possess all the qualifications required of a mine foreman-fire boss; Provided, that he shall at the time he is certified be required to have at least three years' experience in the underground working, ventilation and drainage of coal mines, which shall include eighteen months on or at a working section of an underground mine or be a graduate of the School of Mines at West Virginia University or of another accredited engineering school with a bachelor's degree in mining engineering technology, electrical, mechanical or civil engineering; and have had twelve months' practical experience in an underground mine, all of which shall have been on or at a working section or be a graduate of an accredited college or university with an associate degree in mining, electrical, mining engineering technology, mechanical or civil engineering and have had at least two years' practical experience in an underground mine, which shall include at least eighteen months' experience on or at a working section of an underground mine.

(c) Any person holding a mine foreman's certificate issued by any other state may act in the capacity of mine foreman-fire boss in any mine in this state until the next regular mine foreman-fire boss' examination held by the department, but not to exceed a maximum of ninety days.

(d) After the effective date of this section, all duties heretofore performed by persons certified as mine foreman, assistant mine foreman or fire boss shall be performed by persons certified as underground mine foreman-fire boss or an assistant underground mine foreman-fire boss.

After the effective date of this section, every certificate heretofore issued to an assistant mine foreman or fire boss shall be deemed to be of equal value to a certificate issued hereafter to an assistant mine foreman-fire boss, and every certificate heretofore issued to a mine foreman shall be deemed to be of equal value to a certificate issued hereafter to a mine foreman-fire boss.

Section 5. Reopening of Abandoned Mines

No person, shall reopen for any purpose any old or abandoned mine without first giving the Director of the Department of Mines then (10) days written notice. Such notice shall state clearly the name or names of the owner or owners of the mine proposed to be opened.

Upon receipt of such notice, the Director of the Department of Mines shall have his representative present at the mine at the time designated in the notice for such opening, who shall have full authority necessary to protect the health and safety of those persons performing such work.

No old or abandoned mine shall be reopened for the purpose of producing coal unless a permit approval is obtained from the Director of the Department of Mines as required by Chapter ~~22~~^{22A}, Article ~~2~~², Section ~~63~~⁶³ of the West Virginia Code.

Section 6. Deenergization of self-propelled electric coal feeders; performance requirements

Three months after the effective date of these rules and regulations, deenergization of the trammig motors of self-propelled electric coal feeders shall be provided by:

- (1) Mechanical actuation of an existing push button emergency stop-switch;

- (2) Mechanical actuation of an existing lever emergency stopswitch;
or
- (3) The addition of a separate electro-mechanical switch assembly.

The existing emergency stopswitch or additional switch assembly shall be actuated by a bar or lever which shall extend a sufficient distance in each direction to permit quick deenergization of the tramping motors of self-propelled electric coal feeders from all locations from which the equipment can be operated.

Movement of not more than two (2) inches of the actuating bar or lever, resulting from the application of not more than 15 pounds of force upon contact with any portion of the equipment operator's body at any point along the length of the actuating bar or lever, shall cause deenergization of the tramping motors of the self-propelled electric coal feeders.