

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

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

CITE AUTHORITY: West Virginia Code 22-6-4

RULE TYPE: PROCEDURAL YES INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE YES

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

West Virginia Code 22-6-4

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

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 15

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing

Ventilation by Use of Mechanically Operated Fans

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS April 1, 1995

Ronald L. Harris

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** 36-15 Rules and Regulations Governing Ventilation by Use of Mechanically Operated Fans

**Type of Rule:**      Legislative      Interpretive   XX   Procedural

**Agency** Board of Coal Mine Health and Safety

**Address** 1615 Washington St., E.  
Charleston, WV 25311

**1. Effect of Proposed Rule** NA

	ANNUAL FISCAL YEAR				
	DECREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	\$	\$	\$	\$	\$
<b>PERSONAL SERVICES</b>	N/A				
<b>CURRENT EXPENSE</b>	N/A				
<b>REPAIRS &amp; ALTERATIONS</b>	N/A				
<b>EQUIPMENT</b>	N/A				
<b>OTHER</b>	N/A				

**2. Explanation of above estimates:** N/A

**3. Objectives of these rules:**

These rules were promulgated as a result of a multiple mine fatality. The objective of these rules changes is to prevent a re-occurrence of this type fatality.

36-15 Rules and Regulations Governing Ventilation by use of  
**Rule Title:** Mechanically Operated Fans

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

N/A

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.**

N/A

**C. Economic Impact on Citizens/Public at Large.**

N/A

**Date:** January 9, 1995

**Signature of Agency Head or Authorized Representative**

Ronald L. Harris

## Summary

In March 1992 there was a methane gas explosion which fatally injured four workers at a northern West Virginia Mine. The explosion occurred while the workers were attempting to seal an air shaft at the mine. The company had employed contractors to come onto the mine property and perform the sealing of the air shaft. Of the four fatalities, one involved an employee of the company and the other three were employees of the contractor.

After reviewing the fatal accident the Board voted to promulgate these new rules and regulations with the intention of preventing a re-occurrence of this type of fatal mining accident.

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36 CSR 15

TITLE 36  
LEGISLATIVE RULES  
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 15  
RULES AND REGULATIONS GOVERNING VENTILATION  
BY USE OF MECHANICALLY OPERATED FANS  
AND INTENTIONAL CHANGES IN THE VENTILATION SYSTEM

36-15-1. General

1.1. Scope - Rules and regulations governing ventilation by use of mechanically operated fans.

1.2. Authority - WV Code Sec. 22-6-4.

1.3. Filing Date -

1.4 Effective Date - April 1, 1995

36-15-2. Effect of Regulations

2.1. 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 one A, Chapter twenty-two A, of the Code relative to enforcement are applicable to the enforcement of these rules and regulations.

36-15-3. Definitions

All terms used in these rules and regulations, not defined herein, shall have the meanings set forth in Section one, Article one A, Chapter twenty-two A of the Code.

36-15-4. Fans.

4.1. (a) The ventilation of mines, the systems for which extend for more than two hundred (200) feet underground and which are opened after the effective date of this article, shall be produced by a mechanically operated fan or mechanically operated fans. The fan or fans shall be kept in continuous operation, unless written permission to do otherwise be granted by the Director of the ~~Department of Energy~~ Office of Miners' Health, Safety and Training. In case of interruption to a ventilating

fan or its machinery whereby the ventilation of the mine is interrupted, immediate action shall be taken by the mine operator or his management personnel, in all mines, to cut off the power and withdraw the men from the face regions or other areas of the mine affected. If ventilation is restored in fifteen (15) minutes, the face regions and other places in the affected areas where gas (methane) is likely to accumulate, shall be re-examined by a certified person; and if found free of explosive gas, power may be restored and work resumed. If ventilation is not restored in fifteen (15) minutes, all underground employees shall be removed from the mine, all power shall be cut off in a timely manner, and the underground employees shall not return until ventilation is restored for at least fifteen (15) minutes and the mine examined by certified persons, mine examiners or other persons holding a certificate to make preshift examination.

(b) All main fans installed after the effective date of this article shall be located on the surface in fireproof housings offset not less than fifteen (15) feet from the nearest side of the mine opening, equipped with fireproof air ducts, provided with explosion doors or a weak wall and operated from an independent power circuit. In lieu of the requirements for the location of fans and pressure-relief facilities, a fan may be directly in front of, or over a mine opening: Provided, that such opening is not in direct line with possible forces coming out of the mine if an explosion occurs: Provided, however, that there is another opening having a weak-wall stopping or explosion doors that would be in direct line with forces coming out of the mine. All main fans shall be provided with pressure-recording gauges or water gauges. A daily inspection shall be made of all main fans and machinery connected therewith by a certified electrician and a record kept of the same in a book prescribed for this purpose or by adequate facilities provided to permanently record the performance of the main fans and to give warning of an interruption to a fan.

(c) Auxiliary fans and tubing shall be permitted to be used in lieu of or in conjunction with line brattice to provide adequate ventilation to the working faces: Provided, that auxiliary fans be so located and operated to avoid recirculation of air at any time. Auxiliary fans shall be approved and maintained as permissible.

(d) If the auxiliary fan is stopped or fails, the electrical equipment in the place shall be stopped and the power disconnected at the power source until ventilation in the working place is restored. During such stoppage, the ventilation shall be by means of the primary air current conducted into the place in a manner to prevent accumulation of methane.

(e) In places where auxiliary fans and tubing are used, the ventilation between shifts, weekends and idle shifts shall be provided to face areas with line brattice or the equivalent to prevent accumulation of methane.

(f) If the air passing through the auxiliary fan or tubing contains gas in excess of one percent, the current shall at once be switched off and the trailing cable shall forthwith be disconnected from the power supply until the place is pronounced safe.

(g) The Director may require that when continuous mine equipment is being used, all face ventilating systems using auxiliary fans and tubing shall be provided with machine-mounted diffuser fans, and such fans shall be continuously operated during mining operations.

(h) In the vent of a fire or explosion in any coal mine, the ventilating fan or fans shall not intentionally be started, stopped, speed increased or decreased or the direction of air current changed without the approval of the general mine foreman, or in his absence one other certified mine foreman-fire boss employed at such mine, and designated by the mine foreman, who is completely familiar with the ventilating controls of the mine, and, if neither is immediately available, a representative of the ~~State Department of Energy~~ Office of Miners' Health, Safety and Training. A duly authorized representative of the employees should be consulted if practical under the circumstances.

### 36-15-5 Intentional Changes In the Ventilation System

5.1 (a) The Director shall be notified prior to the implementation of, and a person designated by the operator shall supervise any intentional change in ventilation that

(1) Alters the main air current or any split of the main air current in a manner that could materially affect the safety or health of persons in the mine; or

(2) Affects section ventilation by 9,000 cubic feet per minute of air or more in bituminous mines.

(b) Intentional changes as described in this section shall be made only under the following conditions:

(1) Electric power shall be removed from areas affected by the ventilation change and mechanized equipment in those areas shall be shut off before the ventilation change begins.

(2) Only persons making the change in ventilation shall be in the mine.

(3) Electric power shall not be restored to areas affected by the ventilation change and mechanized equipment shall not be restarted until a certified person has examined these areas for methane accumulation and for oxygen deficiency and has determined that the areas are safe.

(c) If at anytime changes are made in corresponding Federal regulations that pertain to intentional changes in the ventilation system, the Board of Coal Mine Health and Safety will review those changes to determine if appropriate modifications are needed.