

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF 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: _____; CITE AUTHORITY WV Code Sec. 22-6-4

AMENDMENT TO AN EXISTING RULE: YES xxx NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing
Surface Areas of Underground Mines

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 19, 1993 AT 4:30pm. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Ron Harris
Board of Coal Mine Health and Safety
1615 Washington Street, E.
Charleston, WV 25311

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

Ron Harris

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Summary:

The Coal Mine Safety and Technical Review Committee and the Board of Coal Mine Health and Safety recommended that the Office of Miners' Health, Safety and Training revise the Surface Regulations (38-3-40.3) to allow gas cylinders to be transported on surface maintenance vehicles provided that recommended safety precautions are adhered to.

The TRC and the Board of Coal Mine Health and Safety also feel the regulation should apply to surface areas of underground mines. (Title 36, Series 27, Section 11 and 11.1). This will be a new added regulation to this Title and Series. The TRC and the Board of Coal Mine Health and Safety feel the degree of safety to the miners is not lessened by this new regulation provided the stipulations are followed.

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TITLE 36
LEGISLATIVE RULES
BOARD OF COAL MINE HEALTH AND SAFETY

SERIES 27
RULES AND REGULATIONS GOVERNING SURFACE
AREAS OF UNDERGROUND MINES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Sec. 36-27-1. General

1.1. Scope - Rules and Regulations Governing Surface Areas of Underground Mines.

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

1.3. Filing Date -

1.4. Effective Date -

1.5. 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, Chapter 22 of the Code, relative to enforcement, are applicable to the enforcement of these rules and regulations.

Sec. 36-27-2. Definitions.

2.1. "High voltage powerline" means any uninsulated suspended power conductor carrying high voltage.

2.2. "Lanyard" means a rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a safety line.

2.3. "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached.

2.4. "Safety belt" means a device, usually worn around the waist, which, by reason of its attachment to a lanyard and lifeline for a structure, will prevent a worker from falling.

2.5. All other terms used in these rules and regulations, not defined herein, shall have the means set forth in Section 1, Article 1, Chapter 22 of the Code.

Sec. 36-27-3. Operating Equipment With Suspended Material.

3.1. All persons shall remain a safe distance from any supplies or materials while being raised, lowered or in transit,

by a forklift, crane, or other equipment: Provided, That whenever it is necessary to have persons other than the equipment operator in the immediate vicinity of any such supplies, the loads shall be securely fastened by a chain or other device to the equipment handling the load in order to prevent the load from slipping or falling off the equipment.

Sec. 36-27-4. Protection From Falls From Elevated Areas.

4.1. Safety protection such as safety belts, lifelines, or lanyards to prevent a person from falling shall be provided at all times where the potential fall distance exceeds fifteen (15) feet, except that safety belts shall not be used where they are impractical or would pose a greater hazard.

4.2. Safety nets shall be provided when work places are more than twenty-five (25) feet above the ground where the use of ladders, scaffolds, catch platforms, temporary floors, safety lines, or safety belts are impractical.

Sec. 36-27-5. Safety Precautions on Coal Stockpiles.

5.1. The following requirements shall apply to all surface coal stockpiles with draw-off tunnel feeders underneath the coal storage area of the stockpile which discharge onto a conveyor belt:

(a) No person shall travel on foot or operate equipment on a coal stockpile or coal storage area directly over areas where underlying coal feeders are in place without a plan approving such activity by the Director, or his authorized representative. The Plan shall be submitted by the operator or the independent contractor performing the work, and shall be reviewed with all persons prior to work being done, and a record kept of such review.

(b) The plan shall outline procedures to protect the health and safety of those who may have to travel on foot or operate equipment on a coal stockpile or coal storage area directly over areas where

Underlying coal feeders are in place. The minimum criteria for approval of the plan shall include:

(1) The equipment shall be equipped with an enclosed cab.

(2) The equipment shall have two-way communications.

(3) The equipment operator shall be provided with a self-contained self-rescuer.

(4) Warning signs shall be posted at the entrances to all coal stockpiles with underlying coal feeders.

(5) No person shall travel on foot, except on an emergency basis, and only under direct supervision; they shall be secured by an overhead lifeline; and feeders shall be locked and tagged out.

(c) The operator shall establish rules for the safe procedures for breaking through cavities and for marking the feeder areas on the surface. A copy of the rules shall be submitted to the Director, Office of Miners' Health, Safety and Training for approval. A copy of the approved rules shall be posted at the mine site, and all persons to perform such work shall be instructed in these procedures.

(d) Telephone or equivalent two-way communications shall be established between equipment operators working on stockpiles and those persons who are operating conveyors, feeders, and hoppers at storage piles (where more than one person performs these duties), in order to keep such equipment operators advised of the possibility of bridged material over a cavity in the stockpile.

Sec. 36-27-6. Working Around High-Voltage Powerlines.

6.1. Location of high-voltage powerlines. High-voltage powerlines located above surface work areas, driveways, haulageways, and railroad tracks shall be installed no less than fifteen (15) feet above ground.

6.2. Operation of equipment, minimum distance from high voltage lines.

(1) Equipment or machinery operated on the surface of any coal mine shall not be operated within ten (10) feet of an overhead powerline unless the line is deenergized and visibly grounded at the

point of work, or unless insulating barriers not part of or an attachment to, the equipment have been erected to prevent physical contact with the lines. Where the voltage of overhead powerlines is sixty-nine thousand (69,000) volts or more, the minimum clearance between the lines and part of the equipment or load shall be: (Please see Table 36-27a).

(2) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

6.3. Movement of equipment; minimum distance for high voltage lines. When any part of any equipment operated on the surface of any coal mine is required to pass under or by any energized high-voltage powerline and the clearance between such equipment and powerline is less than that specified above, such powerlines shall be deenergized or other precautions shall be taken to prevent contact with the powerlines.

6.4. Deenergization of powerlines. Any overhead wire shall be considered to be an energized line unless and until the person owning such line or electrical utility authorities verifies that it is not an energized line and it has been visibly grounded.

Sec. 36-37-7. Tires and Repairs.

7.1. A safety tire rack, cage or equivalent protection shall be provided when inflating tires during installation on split rings or rims equipped with locking rings or similar devices. Tires shall be deflated before repairs on them are started, and means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation. Different types and sizes of wheel rims in the same location shall be stored separate from each other.

Sec. 36-27-8. Crushers, Feeders, and Rotary Breakers.

8.1. No person shall be permitted to perform any work within the confines of the cargo space of a crusher, feeder, or rotary breaker unless such equipment has been deenergized and locked out.

Sec. 36-27-9. Machines With Movable Parts.

9.1. Ninety (90) days after the

effective date of this section, machines with movable parts used at surface mines or surface areas of underground mines, which are capable of coming into contact with its operating controls, or is capable of pinning the operator between the movable part and its controls, shall be equipped with a panic bar or suitable mechanical means to prevent such contact, or pinning of the operator.

Sec. 26-27-10. Seat Belts.

10.1. Each employee working in a surface coal mine or in the surface areas of an underground coal mine shall be required to wear seat belts in a vehicle where there is a danger of overturning and where roll protection is provided.

10.2. Seat belts shall be worn by all drivers of trucks, 5-ton or greater, while operating their trucks on surface mines and surface areas of underground mines.

Sec. 36-27-11. Transporting Compressed Gas Cylinders.

11.1. Notwithstanding (b) of this section, when tanks and cylinders are not used and they are being transported, they shall be securely mounted with regulators removed, cylinder valves closed and protective valve caps replaced.

11.2. Oxygen tanks, gas tanks, or cylinders shall not be transported with the hoses or gauges attached, except in conformance with the following requirements:

(a) Cylinders shall remain in a substantially constructed compartment while the gauges are attached and shall be secured against movement.

(b) The substantially constructed compartment shall be designed specifically for the surface mine maintenance vehicles carrying it; the cylinders shall be secured against movement and be placed at no greater than a 45 degree angle.

(c) The cylinder regulators, if not in enclosed compartments, shall be adequately covered to provide protection when regulators are left attached to cylinders.

(d) The substantially constructed compartments shall be secured to the surface mine maintenance vehicle in

such a manner to prevent the entire compartment from overturning at any time.

(e) If the cylinders are being transported in closed compartments, the compartments shall be adequately ventilated, and all doors on the substantially constructed compartments shall be closed and secured when not in use.

(f) Cylinders, gauges, hoses, connectors, valve stems, and torches shall be checked for damage and proper fit by a qualified person immediately following transportation and prior to use.

(g) The cylinder valves shall be in a shut-off position, and the hoses relieved of pressure when not in use and when being transported.

(h) All substantially constructed compartments shall be approved by the Director or his authorized representative prior to initial use.



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
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GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

October 5, 1993

Mr. Steve Webber, Director
Miners' Health Safety & Training
1615 Washington Street, E
Charleston, West Virginia 25311-2126

Re: Title 36, Series 27 - Proposed Rule Amendment
- Regulations Governing Surface Areas of
Underground Mines

Dear Director Webber:

Pursuant to West Virginia Code Section 22-6-4, I hereby consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the Secretary of State as evidence of my consent.

Sincerely yours

John M. Ranson
John M. Ranson
Cabinet Secretary

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