

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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

CITE AUTHORITY: WV Code 22-6-4

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE x

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WV Code 22-6-4

AMENDMENT TO AN EXISTING RULE: YES x, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 27

TITLE OF RULE BEING AMENDED: Rules and Regulations Governing

Surface Areas of Underground Mines (Section 9 - NEW)

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 September 7, 1989

Stephen A. Chrus

[Signature]

9/8/89

2.80

BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36, SERIES 27

TITLE: RULES AND REGULATIONS GOVERNING SURFACE AREAS OF
UNDERGROUND MINES

BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36, SERIES 27

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TITLE: RULES AND REGULATIONS GOVERNING SURFACE AREAS OF UNDERGROUND MINES

SECTION 36.27.1 General

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

1.2 Authority. WV Code 22-6-4

1.3 Filing Date. These rules and regulations were filed with the office of the Secretary of State this _____ day of _____, 1989.

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 Chapter 22, Article 1 of the Code, relative to enforcement, are applicable to the enforcement of these rules and regulations.

Section 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 or 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 meanings set forth in Chapter 22, Article 1, Section 1 of the Code.

Section 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 fork lift, crane, or other equipment; provided, however, 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.

Section 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.

Section 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 entrance 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 of the Division of Energy 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, feeder, 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.

Section 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 from 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.

Section 36.27.7 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.

Section 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.

Section 36.27.9 Machines With Movable Parts

9.1 Ninety 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 it's operating controls, or is capable of pinning the operator between the movable part and it's controls, shall be equipped with a panic bar or suitable mechanical means to prevent such contact, or pinning, of the operator.

STATE OF WEST VIRGINIA
DEPARTMENT OF ENERGY
Board of Coal Mine Health & Safety
Charleston 25311

FILED
1989 SEP -7 PM 4:02
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

To: All Persons Interested in Rules and Regulations
Constructed by the Board of Coal Mine Health and
Safety.

From: Stephen A. Edens, Health and Safety Administrator *SAE*

Subj: Amendments to Title 36, Series 27 - Rules and
Regulations Governing Surface Areas of Underground
Mines

Date: September 6, 1989

Action: Final Rule - Amendments to Title 36, Series 27,
Section 9

Effective Date: September 7, 1989

Authority:

These Regulations are amended in accordance with Chapter 22,
Article 6, Section 4 of the West Virginia Code.

Summary:

The Board has found that a fatal accident has occurred in
1988 at a Surface Mine Operation involving a tire service
truck.

The Board determined that the factors which contributed to
this fatal accident were:

1. The crane was installed on the frame of a Class B
Chevrolet tire truck. The weight of the truck was 30,00
lbs.
2. The lifting capacity of the crane with the boom fully
extended to 16'2" was 14,000 lbs.
3. The A-frame outriggers were fully extended to 11'4", and
were positioned on firm level ground.
4. A bridgestone, off-road earth-moving type 1-A tire
(21.00 x 35, 36 ply weight: approx. 1,700 lbs), was being
replaced on a R-5 Euclid rock truck.

7. A red-colored paint mark (the color of the boom hook) existed on the tire. (This would indicate that pressure had been applied with the boom to the top of the tire and caused the tire to fall towards the victim, knocking him toward the crane's controls.

8. A safety chain measuring 12'8" in length was used to raise the tire to an upright position by placing the chain through the rim and around the tire, then connecting the chain to the boom of the crane.

9. Statements received during the investigation indicated that the victim had excessive slack in the safety chain between the tire and hoist boom extension which allowed the tire to turn over to a point where it struck the victim.

10. The hoisting operating controls were in direct line with the raised tire which placed the victim in a position to be struck by the tire when it fell.

11. The victim had 12 years experience in tire repair, with the last 6 years as a heavy equipment tire repairman.

12. The victim received training on servicing single and multi-place rim/wheels from Tire Center, Inc., on April 27, 1988. Hawks Nest Mining provided the victim with hazard training on January 20, 1988.

Posting and Review of the Regulation

1. Post the regulation for thirty (30) days, immediately upon receipt.

2. Review the regulation with all persons acting in the capacity of foreman and assistant foreman, during the posting period.

3. Review the regulation with all employees, during the week following the review with the foreman and assistant foreman.

Additional Information

Questions and requests for copies of this regulation should be addressed to the following:

Stephen A. Edens, Health and Safety Administrator
Board of Coal Mine Health and Safety
WV Department of Energy
1615 Washington Street East
Charleston, West Virginia 25311
(304) 348-3500

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

ROBERT E. WILKINSON
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
1992 APR -8 AM 7:58
FILED

TO: Dana Martin

AGENCY: Environmental Protection Agency

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 27 TITLE: Rules and Regulations Governing Surface Areas of Underground Mines

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Dagloran*
TITLE OF PERSON SIGNING: ADMINISTRATOR of enforcement
DATE: 3-30-92

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____
TITLE OF PERSON SIGNING: _____
DATE: _____