

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

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

WV Code 22-6-4

AMENDMENT TO AN EXISTING RULE: YES , 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 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 26, 1988

Bart B. Lay Jr.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36 SERIES 27

TITLE: RULES AND REGULATIONS GOVERNING SURFACE AREAS OF
UNDERGROUND MINES

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY

Title 36 Series 27

TITLE: Rules and Regulations Governing Surface Areas of Underground
Mines

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF COAL MINE HEALTH AND SAFETY
TITLE 36 SERIES 27

TITLE: Rules and Regulations Governing Surface Areas of Underground Mines

Section 36.27.1 General

1.1 Authority - These rules and regulations are issued under authority of Chapter 22, Article 6, Section 4 of the West Virginia Code.

1.2 Effective Date - These rules and regulations were promulgated on the 14th of April, 1988, and were filed and become effective this ____ day of _____, 1988.

1.3 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 West Virginia 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 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 the 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

Department 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, 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.

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 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 10 feet of an overhead powerline unless the line is deenergized and visibly grounded at the point of work, or unless the 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 69,000 volts or more, the minimum clearance between the lines and part of the equipment load shall be: (Please see Table 1)

(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.

TABLE 1:

Nominal powerline voltage (in 1,000 volts)	Minimum distance (in feet)
69 to 114	12
115 to 229	15
230 to 344	20
345 to 499	25
500 or more	35

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VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

MAY 23 1988

TO: Mark Scott - Engr

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: May 20, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) 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.

Title 36, Series 27

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: Sina H. Gattip

TITLE OF PERSON SIGNING: Gen-Sec. I

DATE: June 1, 1988

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____