



State of West Virginia

Department of Mines
Charleston 25305

JOHN D. ROCKEFELLER, IV.
Governor

WALTER N. MILLER
Director

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

FROM: Mark A. Scott, Administrator *MAA*

RE: Regulations Governing Construction and Rehabilitation Operations in Underground Mines

DATE: June 1, 1984

ACTION: Final Rule.

AUTHORITY:

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE *6-1-84*
Administrative Law Division

These regulations are promulgated in accordance with Chapter 22, Article 2A, Section 4 of the West Virginia Code. These regulations are also promulgated in accordance with the decision of the West Virginia Supreme Court of Appeals in UMWA v. Scott, et al., which held that regulations issued by the Board in response to the mining fatalities and injuries are not subject to the public review and comment provisions of Code 22-2A-4.

SUMMARY:

The Board found that a roof fall occurred on December 16, 1982 at an underground construction site, resulting in a single fatality. The Department of Mines determined that the accident occurred when the victim walked into an unsupported area of a crosscut in preparation to install a temporary support (roof jack). The accident and resulting fatality occurred because the victim advanced at least six feet beyond the last row of permanent roof bolts in preparation to install the temporary support.

The Board determined that existing state laws and regulations were inadequate to prevent a similar roof fall occurrence. Although persons working at construction and rehabilitation sites are subject to the provisions of the mine's roof control plan and provisions in state law prohibiting persons from working under unsupported roof, additional safeguards which have been used successfully at other working places where unsupported roof exists are not required at construction and rehabilitation sites. These safeguards include: (1) on-shift examination of the working area by a certified person; and (2) use of ATRS on roof bolting machines.

Memo

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ground Mines

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Therefore, the Board has issued the following regulations to address these concerns. The regulation does the following:

1. Requires one on-shift examination of all construction and rehabilitation sites, to be done between the 3rd and 5th hours of a shift, with the results of the examination recorded.
2. Provides the Director of the Department of Mines the authority to require ATRS on roof bolting machines used for construction and rehabilitation, where conditions permit the use of the ATRS.

POSTING AND REVIEW OF THIS REGULATION:

In accordance with WV Administrative Regulation Series 30 (amended 1983), each operator shall:

1. Post the regulation for thirty(30) days, immediately upon receipt.
2. Review the regulation with all persons acting in the capacity of underground mine foreman and assistant mine foreman, during the posting period.
3. Review the regulation with all underground section crews during the week following the review with the mine foremen and assistant mine foremen.

ADDITIONAL INFORMATION:

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

Mark A. Scott, Administrator
Board of Coal Mine Health and Safety
West Virginia Department of Mines
Room E-153, State Capitol
Charleston, West Virginia 25305
(304) 348-3937

MAS/dao

Attachment

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF MINES

CHAPTER 22-4

SERIES 41

(1984)

SUBJECT: RULES AND REGULATIONS GOVERNING CONSTRUCTION AND REHABILITATION
OPERATIONS IN UNDERGROUND MINES

PROMULGATED
REGULATION

FINAL
REGULATION

I N D E X

RULES AND REGULATIONS GOVERNING CONSTRUCTION AND REHABILITATION OPERATIONS IN UNDERGROUND MINES

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Section 1. General

1.01 Authority - These rules and regulations are issued under authority of Chapter 22, Article 2A, Section 4 of the West Virginia Code.

1.02 Effective Date - These rules and regulations were promulgated on the 25th day of May, 1984, and become effective on the 1st day of July, 1984.

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

Section 2. Definitions

2.01 All 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 3. On-shift Examination of Construction and Rehabilitation Work Areas

3.01 In addition to the pre-shift examination, an on-shift examination shall be made of all construction and rehabilitation work areas between the third and fifth hours while persons are working, and such examination shall be recorded in a book prescribed for such purposes, and located on the surface.

Section 4

Section 4. Automated Temporary Roof Support (ATRS) Systems on Roof Bolting Machines used for Construction and Rehabilitation

4.01 Where required by the Director of the Department of Mines, roof bolting machines used for construction or for rehabilitation work shall be equipped with an approved automated temporary roof support (ATRS) system. However, when spot bolting is done on track haulage roads, machines shall not be required to have ATRS.

4.02 In determining where such ATRS system is needed, the Director shall consider the following: (a) whether the use of ATRS would pose a greater hazard than not using it; (b) whether the technology of ATRS exists to allow compliance with these requirements; and (c) the conditions at the construction or rehabilitation site.

4.03 Minimum Requirements for Machines Using, or Used as, ATRS. All machines using, or used as, an automated temporary roof support system in accordance with this section shall comply with the minimum requirements for ATRS as specified in West Virginia Administrative Regulations, Series 21, Section 5.03.