

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

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Form #1

NOTICE OF A PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia Board of Coal Health and Safety TITLE NUMBER: 36

RULE TYPE: Legislative CITE AUTHORITY: 22A-6-1

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 44

TITLE OF RULE BEING PROPOSED: Mine Rescue Requirement for the Office of Miners' Health
Safety and Training

DATE OF PUBLIC HEARING: June 6, 2006 TIME: 1:00pm

LOCATION OF PUBLIC HEARING: 1615 Washington Street East
Charleston, WV

COMMENTS LIMITED TO: ORAL ___ , WRITTEN ___ , BOTH X
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Kenneth Dickens, Administrator
WV Board of Coal Mine Health and Safety
1615 Washington Street, East
CHARLESTON, WV 25311


Authorized Signature

Title 36
Legislative Rule
BOARD OF COAL MINE HEALTH AND SAFETY

Series 44

Mine Rescue Requirements for the Office Of Miners' Health Safety and Training

§36-44-1. General

- 1.1 Scope -- Mine Rescue Requirements for the Office Of Miners' Health Safety and Training
- 1.2 Authority -- W. Va. Code 22-6-4
- 1.3 Filing Date -- May 5, 2006
- 1.4 Effective Date --

§36-44-2 Mine Rescue Requirements for the Office Of Miners' Health Safety and Training

2.1 The director shall develop a mine emergency operation plan for the mine rescue teams that represent the Office of Miners' Health Safety and Training that would include but is not limited to the following criteria:

(a) establish and maintain 2 mine rescue stations within the OMHS&T; one located in the North area of the State and one located in the South area of the State, at locations determined by the Director.

(b) to establish 2 fully trained and equipped mine rescue teams per each OMHS&T's regional office;

(c) the members assigned to the mine rescue and recovery work may be inspectors, instructors or other qualified employees of the office as the director deems necessary. The director shall employ additional employees as he deems necessary to fulfill the requirement of this section;

(d) to provide one fully equipped mine rescue truck for each OMHS&T mine rescue station that would include but is not limited to cellphones, satellite telephone, landline telephones (teleconferencing), on-site radios and fax/copy machines, computers with mine mapping software (CAD) and modems;

(e) to purchase new additional mine rescue equipment including but is not limited to mask mounted radio connections and permissible radios for underground wireless communications; new lifeline/communications reels with a "down hole" speaker microphone system; new additional handheld gas detectors and infra-red and electrochemical gas monitoring equipment, gas sampling tubing, satellite telephones and four channels of seismic inputs (geophones); and any other equipment as deemed necessary by the Director.

2.2 As used in this section, mine rescue teams shall be considered available where teams are capable of presenting themselves at the mine site(s) within a reasonable time after notification of an occurrence which might require their services. Rescue team members will be considered available even though performing regular work duties or while in an off-duty capacity.

(a) In the event of a fire, explosion or recovery operations in or about any mine, the director is hereby authorized to assign any mine rescue team to said mine to protect and preserve life and property. The director may also assign mine rescue and recovery work to inspectors, instructors or other qualified employees of the office as he or she deems necessary.

(b) The ground travel time between regional offices and any mine served by that office shall not exceed two hours.

(c) Each mine rescue team shall consist of five members and one alternate, who are fully qualified, trained and equipped for providing emergency mine rescue service. Each mine rescue team shall be trained by a state certified mine rescue instructor.

(d) Each member of a mine rescue team must have been employed in an underground mine for a minimum of one year. For the purpose of mine rescue work only, miners who are employed on the surface but work regularly underground meet the experience requirement. The underground experience requirement is waived for those members of a mine rescue team on the effective date of this statute.

(e) An applicant for initial mine rescue training shall pass, on at least an annual basis, a physical examination by a licensed physician certifying his or her fitness to perform mine rescue work. A record that such examination was taken, together with pertinent data relating thereto, shall be kept on file by the director.

(f) Upon completion of the initial training, all mine rescue team members shall receive at least ninety-six hours of refresher training annually.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 36 Series 44

Type of Rule: Legislative Interpretive Procedural

Agency: WV BOARD OF COAL MINE HEALTH AND SAFETY

Address: 1615 WASHINGTON STREET EAST
CHARLESTON WV 25311-2126

Phone Number: 304 558-1425 X30 Email: kdickens@mines.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Depending on the funding source, minimal if from coal severance tax.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	- 0 -	1.8 - 2 million	1.2 million annually
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	-0-	1.8 - 2 million	1.2 million annually

Rule Title: Title 36 Series 44

Rule Title:

Title 36 Series 44

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Costs associated with upgrading Office of Miners' Health, Safety and Training mine rescue capabilities.

Includes salaries, benefits, equipment, vehicles, computers and all other related expenses.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

N/A

Date: May 5, 2006

Signature of Agency Head or Authorized Representative


