

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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FILED

2010 APR 22 PM 2:13

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative CITE AUTHORITY: 22A-6-4

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 52

TITLE OF RULE BEING PROPOSED: Fire in and about mine; notification of director and district mine inspector; Mine emergency evacuation plan

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 May 28 AT 5pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1615 Washington Street East Charleston WV 25311

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

1615 Washington Street, E. • Charleston, West Virginia 25311 • Telephone 304-558-1425 • Fax 304-558-6091

PROPOSED REGULATIONS

To: All persons interested in Rules and Regulations constructed by the Board of Coal Mine Health and Safety

From: Joel L. Watts, Administrator – BCMH&S

Subject: **Fire in and about mine; notification of director and district mine inspector; Mine emergency evacuation plan. Title 36, Section 52**

Date: 22 April 2010

End Date for Comments: 28 May 2010

Authority: §22.6.4

The Board of Coal Mine Health and Safety is posting a proposed regulation which amends the current statute into regulatory format to increase the degree of safety. This is a new rule requiring immediate notification of the Director of OMHST and a mine emergency evacuation plan.

You may send all written comments to

1615 Washington Street East
Charleston, WV 25311

All comments must be post-marked by 28 May in order to be accepted by the Board for consideration.

Title 36
Legislative Rules
Board of Coal Mine Health and Safety

Series 52

**Fire in and about mine; notification of director and district mine inspector; Mine
emergency evacuation plan**

§36-52-2. General.

1.1 Scope: Rules and Regulations Governing Underground Coal Mines in the State of West Virginia

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

1.3 Filing Date.

1.4 Effective Date.

§36-52-2. Fire in and about mine; notification of director and district mine inspector.

The operator or mine foreman, upon the discovery of fire in or about a mine, shall immediately notify the director and the district mine inspector in whose district the mine is located.

§36-52-3 Mine Emergency evacuation plan.

(a) Approved program of instruction.

(1) Each operator of an underground coal mine shall adopt and follow a mine emergency evacuation, and firefighting program that instructs all miners in the proper evacuation procedures they must follow if a mine emergency occurs,

(i) The approved program shall include a specific plan designed to instruct miners on all shifts on the following:

(ii) Scenarios of the various mine emergencies (fires, explosions, or gas or water inundations) and the best options for evacuation under each type of emergency. These options shall include conditions in the mine that will require immediate donning of self-rescue devices.

(iii) Procedures for evacuating all miners not required for a mine emergency response

(iv) Procedures for the rapid assembly and transportation of necessary miners, fire suppression equipment, and rescue apparatus to the scene of the mine emergency.

(v) Operation of the fire suppression equipment available in the mine

(vi) Location and use of firefighting equipment and materials

(vii) Locations, quantity, types and use of stored SCSR's, if applicable.

(2) The mine emergency evacuation instruction and drills shall be conducted by a person who is designated by the mine operator and who has the ability, training, knowledge, or experience to provide training to miners in his or her area of expertise. Persons conducting donning and transferring training shall be able to effectively train and evaluate whether miners can successfully don the SCSR and transfer to additional SCSR devices.

(3) The operator shall submit this program of instruction, and any revisions, for approval to the Director of the Office of Miners Health, Safety and Training. Before implementing any new or revised approved provision, the operator

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Series 52

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fire in and about mine; notification of director and district mine inspector; Mine emergency evacuation plan

Type of Rule: Legislative Interpretive Procedural

Agency: WV Board of Coal Mine Health and Safety

Address: 1615 Washington Street East
Charleston, WV 25311

Phone Number: 3049572306 Email: jwatts@suddenlink.net

Fiscal Note Summary

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

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	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Fire in and about mine; notification of director and district mine inspector; Mine

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

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.

Date: 04/22/2010

Signature of Agency Head or Authorized Representative
