

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

Form #2

Do Not Mark In This Box

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE APRIL 22, 2010  
ADMINISTRATIVE LAW DIVISION

**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: 53

TITLE OF RULE BEING PROPOSED: Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment

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



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## **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

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### **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: **Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment, Title 36, Section 53**

Date: 22 April 2010

End Date for Comments: 28 May 2010

Authority: §22.6.4

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The Board of Coal Mine Health and Safety is posting a proposed regulation which amends the current statute to increase the degree of safety. This is a new rule. It requires testing calibration of machine mounted methane monitors within every 15 days.

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 53**

**Testing and Calibration of Machine Mounted Methane Monitors on Working Face  
Equipment**

**§36-53-1. General.**

1.1 Scope. Rules and Regulations Governing the Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment.

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

1.3 Filing Date.

1.4 Effective Date.

**§36-53-2. Testing and Calibration of Machine Mounted Methane Monitors on Working Face  
Equipment**

Within every fifteen days, all face machine mounted methane monitors shall be checked for operating accuracy with a known methane air mixture and shall be calibrated as necessary. A record of calibration tests shall be kept in a book on the surface and made available to an authorized representative of the Director of the Office of Miner's Health, Safety and Training and to miners or the authorized representatives of the miners at that mine.

**TITLE 36  
LEGISLATIVE RULES  
BOARD OF COAL MINE HEALTH AND SAFETY**

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APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Testing and Calibration of Machine Mounted Methane Monitors on Working Face Equipment

Rule Title: \_\_\_\_\_  
 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](mailto: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: Testing and Calibration of Machine Mounted Methane Monitors on Working Face

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

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