



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

BCMHS

1615 Washington Street, E. Charleston WV

15 April 2008 – 10:30am

MINUTES

Members Present:

Dave Ashby

Chris Hamilton

Charles Russell, III

Carl Egnor

Teddy Hapney

Gary Trout

Chairman Ron Wooten, presiding

Administrator was present

Guests:

Terry Farley, OMHS&T, Mark Hoath, Lindagail Holst, Fred Tucker – TRC

Mr. Hamilton made a motion to accept the minutes. Mr. Trout seconded. The motion carried.

Mr. Farmer, upon invitation by the Board, made a presentation on Title 36 Series 31 – Prevention of Injuries due to Handling Materials. Mr. Hamilton made a motion to create a sub-committee consisting of Mr. Russell and Mr. Egnor to propose any needed rules and/or regulations. Mr. Trout seconded the motion. The motion carried.

A short break was called to allow the presenter to pack his materials up.

Mr. Ashby made a motion accept the Administrator's report on Fatals 08-10 2007 (excluding the Findings of Fact and Conclusions of Law). Mr. Russell seconded. The motion carried.

Mr. Fred Tucker gave the report from the Technical Review Committee.

Petition 66-07 (CONSOL Energy, Loveridge Mine) – request to modify WV Code 22A-2-37(A), supply track 500' to nearest face. Mr. Ashby made a motion to approve the petition. Mr. Russell seconded. The motion carried.

Petition 88-07 (Little Eagle Coal) – request to modify WV Code 22A-2-39(B), 24" belt clearance. Mr. Hamilton made a motion to approve the petition. Mr. Hapney seconded. The motion carried.

Petition 95-07 (Baylor Mining) – request to modify WV Code 22A-2-39(B), 24” belt clearance. Mr. Hamilton made a motion to approve the petition. Mr. Ashby made a motion to approve the petition. Mr. Russell seconded. The motion carried.

No additional information or discussion has developed from the Sub-committee on Title 26 Series 27 – Surface Areas (Notification by utility company)

Mr. Hamilton made a motion to put the Federal regulation 30 CFR-75 (Belt Air) on the agenda, and for the Administrator to place them regulatory format, including Mr. Trout’s recommendations. Mr. Trout seconded. The motion carried.

Mr. Hamilton made a motion to instruct the Administrator bring in a presenter to the board from MSHA concerning MSHA’s rules for Mine Rescue (WV Title 36 Series 44, Title 48 Series 4) and to get the ‘Q&A document’ that MSHA created. Kevin Stricklin is recommended. The pleasure of the Board is for a presenter from the Commonwealth of Kentucky as well to discuss their Mine Rescue laws. Mr. Ashby seconded. The motion carried.

Mr. Trout made a motion to move discussion on remaining rules to the next meeting. Mr. Hapney seconded. The motion carried.

Mr. Ashby made a motion to send the proposed personnel policies to the Division of Personnel. Mr. Trout seconded.

During the discussion, Ms. Holst stated that she felt that Mr. Otis Cox failed to give approval for the legality of the TouchStation clock-in/clock out. Ms. Holst stated that she did not know if it is legal to require a fingerprint for clock-in/clock-out.

Mr. Hamilton asked Ms. Holst that if the DOP would approve the proposed policies, would that suffice her on the TouchStation system. She said, ‘I hope, yes.’

The Administrator, in a point of information, stated that the TouchStation does not use an actual fingerprint.

The motion carried.

The Administrator, as a matter of information, presented to the Board a memo from the Governor’s office concerning raises and promotions. Also, as a matter of information, the Administrator presented a job description for clerical employees of the Board as well as standard office policies.

Administrator presented the report on office expenditures, the Diesel Equipment Commission, presentation of legal answers to questions posed by the Board during the previous meeting.

The Chairman gave an update on the grievance filed by Board Employee.

Mr. Trout made a motion to approve the Financial Report. Mr. Ashby seconded. The motion carried.

The next meeting date was set for May 14th and 15th at 10am. The 15th will be set aside for presentations to the Board.

Mr. Hamilton made the motion to adjourn. Mr. Russell seconded. The motion carried.