



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

Board of Coal Mine Health and Safety
1615 Washington Street, E. Charleston WV
15 July 2008 – 10:00am
16 July 2008 – 10:00am

MINUTES

Members Present:

Dave Ashby
Chris Hamilton
Charles Russell, III

Carl Egnor
Teddy Hapney
Gary Trout

Chairman Ron Wooten, presiding 1st Day
C.A. Philips, Deputy Director OMHS&T 2nd Day

Administrator was present

Guests: Jama Jarrett, Commerce Department; Terry Farley, OMHST; Fred Tucker, TRC; Mark Heath, attorney; Bruce Hamrick, Fola Coal; Tim Hubar, AP; Ken Ward, Gazette; Elaine Skoridge, OMHST; Jim Dean, Taskforce; Jim Dingess, OMHST; John Kinder, OMHST; Tim Martin, ICG Coal; John Stemple, ICG Coal; Eugene White, OMHST

Eugene White presented the report on Fatal 02-08 in which the victim was a 24 year old electrician that was electrocuted.

Alan Lander presented the report on Fatal 03-08 in which the victim was an 18 year old apprentice miner that was fatally injured after being run over by a scoop.

Mr. Hapney made a motion to approve the June meeting minutes; Mr. Russell seconded. The motion then carried.

Mr. Trout made a motion to direct the Administrator to prepare reports on Fataals 02-08 and 03-08.

Mr. Hapney made a motion to accept the Administrator's Report on Fatal 04-05. Mr. Egnor seconded; the motion then carried.

Mr. Trout made a motion to accept the Administrator's Report on Fatal 01-08. Mr. Hapney seconded; the motion then carried.

Mr. Trout made a motion to hold the discussion on the proposed rules concerning belt air and longwall equipment to the next meeting. Mr. Hapney seconded; the motion then carried.

Mr. Tucker, TRC, present the following variance requests:

- 24-08 – Request to modify WV Code 22A-2-60(b) – separate escapeways. Mr. Trout made a motion to hold this variance over until the Director received an opinion from the Attorney General’s office regarding blanket approvals.
- 43-08 – Request to modify WV Code 22A-2-39(b) – 24” belt clearance. Mr. Ashby made a motion to approve. Mr. Hamilton seconded; the motion then carried.
- 44-08 – Request to modify WV Code 22A-2-37(a) – track 500’ to the nearest working face. Mr. Ashby made a motion to approve. Mr. Hapney seconded; the motion then carried.
- 53-08 – Request to modify WV Code 36-27-14.5. Mr. Ashby made a motion to waive the 5 day rule. Mr. Hamilton seconded; the motion then carried. Mr. Russell made approve. Mr. Ashby seconded. Mr. Trout offered an amendment to the motion to establish a 6 month time limit. The amendment was accepted. The motion then carried.

Mr. Trout made a motion to accept the financial report. Mr. Hamilton seconded; the motion then carried.

Mr. Russell made a motion to direct the Administrator to prepare proposed changes to 36-27-14. Mr. Trout seconded; the motion then carried.

The Administrator gave a report on the Diesel Equipment Commission as well as updates on grievances.

The next meeting date was set for 6 and 7 August, 10am in Charleston.

The meeting recessed until 9am Wednesday morning.

2nd Day –

Mr. Hapney made a motion to move into executive session in order to discuss the current lawsuit with the Board’s attorney filed against the Board concerning series 27-14.

No notes or official action was taken by the Board during executive session.

Mr. Hamilton made a motion to adjourn. Mr. Russell seconded. The motion carried. The Board adjourned.