



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
22 April – 10:00am
1615 Washington Street East
Charleston, WV

Members Present:

Dave Ashby
Chris Hamilton
Charles Russell

Carl Egnor
Ted Hapney
Gary Trout

Chairman Ron Wooten, presiding
Administrator was present

Guests:

Fran Hughes, AG
Scott John, AG
Todd Moore, Consol

Gary Hartzog, Mt.'s Edge
C.A. Philips, OMHS&T
Nick Preservati

Mr. Hamilton made a motion to suspend the agenda and go into Executive Session; Mr. Hapney seconded. The motion then carried.

Regular Session resumed.

Mr. Hamilton made a motion to approve 36.27 (Gasline Regulations) but to hold the rules in abeyance until other conditions were met, upon which the Administrator will promulgate the final rule. Mr. Hapney seconded the motion; the motion then carried.

Mr. Russell made a motion to authorize the Attorney General's office to represent the Board in the lawsuit brought by Consol. Mr. Hapney seconded. The motion then carried. The Board directed the Administrator to inform the Attorney General's office.

Mr. Hapney made a motion to prevent any Board action on the proposed Board rules until the jurisdictional issues were settled. Mr. Hamilton seconded. The motion then carried.

Mr. Hamilton made a motion to approve the minutes; Mr. Egnor seconded. The motion then carried.

Mr. Ashby made a motion to accept the **Findings of Fact and conclusions of Law on Fatal 05-08**; Mr. Trout seconded. The motion then carried.

Mr. Hamilton made a motion to accept the **Findings of Fact and conclusions of Law on Fatal 06-08;** Mr. Hapney seconded. The motion then carried.

Mr. Hamilton made a motion to hold final reports on Fatal 09-08 in abeyance until a future date.

Mr. Hamilton made a motion to move discussion on belt regulations to proposed regulations; Mr. Trout seconded. The motion then carried.

Mr. Hamilton made a motion to direct the Administrator to send out for proposal 36.45 (Travelable Passageways for Mines before a certain date); Mr. Trout seconded. The motion then carried.

Mr. Ashby made a motion to hold over all proposed regulations to the next meeting; Mr. Trout seconded. The motion then carried.

Mr. Tucker gave the **Technical Review Committee Report:**

- Mr. Trout made a motion to accept 18-09; Mr. Hamilton seconded. The motion then carried
- Mr. Ashby made a motion to accept 19-09; Mr. Hamilton seconded. The motion then carried
- Mr. Ashby made a motion to waiver the 5 day rule on 20-09; Mr. Hamilton seconded. The motion then carried. Mr. Hamilton made a motion to accept the variance; Mr. Ashby seconded. The motion then carried.
- Mr. Hamilton made a motion to accept 1M-09; Mr. Egnor seconded. The motion then carried.

The Administrator gave the **Financial Report**

The next meeting dating was set for May 19th and 20th in Charleston.

Mr. Ashby made a motion to adjourn; Mr. Hamilton seconded. The Board adjourned.