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## **WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY**

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Board of Coal Mine Health and Safety

21 December – 11:00am

22 December – 11:00am

### **Minutes**

#### **Members Present:**

Chris Hamilton  
Charles Russell  
Dave Ashby

Gary Trout\*  
Ted Hapney  
Carl Egnor

Chairman Ron Wooten, presiding (absent second day)

Administrator was present

\*Mr. Trout was absent the first day

#### **Guests:**

C.A. Philips  
Jama Jarret  
Gretchen Murphey, AG

Nick Preservati  
Scott Johnson, AG  
Tom Smith, AG

1<sup>st</sup> Day – A voting quorum was not established

The Administrator gave the Board and update on the fatal at Hawkeye Construction, saying that the requested documents were still being collected.

Nick Preservati gave an update on the Oil and Gasline marking rule.

The Board discussed the suggested rules from the Director of the Office of Miner's Health, Safety, and Training. The Board asked the Administrator to prepare a list of the fatalities involving trucks on Surface mines for the last five years for the next Board meeting as well as to secure a copy of the Federal Training Law.

The Administrator gave an update on the Diesel Commission

The Administrator gave an update on the budget process

The Board discussed with Tom Smith (representing the Agency) the proposed emergency rule by the Director which would incorporate surface mine rules made by the Board into the Agency's enforcement capability. It was decided that the Director would reinstate the suspended surface mine

rules while attorneys for the Board and the Director met to discuss jurisdiction on rule making for Surface mines.

The Chairperson announced that he would not be there the following day. The Board asked him to appoint someone since they would have a full voting quorum, but he said that he would not.

The Board then recessed

2<sup>nd</sup> Day – The Board was unable to officially meet due to the Chairperson's absence (22A-6-3(f)), but held a subcommittee meeting to discuss jurisdiction on rule making for surface mines.