



WEST VIRGINIA BOARD OF COAL MINE HEALTH AND SAFETY

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Board of Coal Mine Health and Safety

20 January – 11:00am

21 January – 11:00am

Charleston, WV

Minutes

Members Present:

Chris Hamilton
Charles Russell*
Dave Ashby

Gary Trout
Ted Hapney
Carl Egnor

C.A. Philips, presiding

Administrator was present

Mr. Russell attended the votes of the first day by phone; was present the second day

Guests:

Jama Jarret
Gretchen Murphey, AG
Nick Preservati
Scott Johnson, AG

Tom Smith, AG
Ken Ward,
Terry Farley, OMHST
Family of Mr. Gray

The Board commenced with an update of its investigation into the Fatal of Mr. Gray at Hawkeye Construction. The Administrator acknowledged that he has received all materials which had been requested from the Office of Miner's Health, Safety and Training. The Board then asked that the Inspectors be at the next meeting, perhaps as early as the second day of the meeting; however, Mr. Farley arrived later in the meeting which allowed to Board to question him regarding the fatal report. The Board directed the Administrator to proceed with his report.

Mr. Russell made a motion to accept the minutes; Mr. Hamilton seconded. The motion then carried.

Mr. Preservati gave an update on the oil and gas pipeline markings rule.

The Board discussed the proposed rules by the Director. The rule regarding training for coal truck drivers was referred to the Training Board. Mr. Hamilton made a motion to direct the Administrator to officially propose the rule for a comment period; Mr. Hapney seconded the motion. The motion then carried.

The Board then discussed the jurisdiction of surface mine rules with its attorneys. The Board decided to accept the attorney's proposals and include them in the minutes for the month's meetings.

Mr. Hamilton asked the chairperson to relate to the Director that the Board requests that all future fatal reports and/or investigations the inspector be allowed to present such reports and be available for questions.

The Board recessed

2nd Day –

Mr. Tucker Presented the TRC report:

- Mr. Egnor made a motion hold 31-09 in abeyance until a sub-committee would meet with both the company and the inspectors; Mr. Trout seconded. The motion then carried.
- Mr. Trout made a motion to approve 53-09, 54-09, 56-09, and 61-09; Mr. Egnor seconded. The motion then carried.
- Mr. Trout made a motion to approve 08M-09; Mr. Ashby seconded. The motion then carried.

The Administrator gave an update on the Diesel Commission and the Budget

The next meeting day was set for February 24 and 25 (2pm and 11am, respectively)

Mr. Trout made a motion to adjourn; Mr. Hamilton seconded. The motion then carried.