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

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Board of Coal Mine Health and Safety  
30 March – 1:00pm  
31 March – 10:00am  
Charleston, WV

### **Minutes**

#### **Members Present:**

Chris Hamilton  
Charles Russell  
Dave Ashby

Gary Trout  
Ted Hapney  
Carl Egnor

C.A. Philips, presiding  
Administrator was present

#### **Guests:**

Jama Jarret

Family of Mr. Gray

The Board continued discussion on the Fatal of Mr. Gray (02-09).

Mr. Trout made a motion to accept the February minutes; Mr. Hapney seconded. The motion then carried.

Mr. Hapney made a motion to direct the Administrator to prepare the Findings of Fact and Conclusions of Law for the Fatal of Mr. Gray; Mr. Egnor seconded. The motion then carried. On the second day, Mr. Hapney directed the Administrator to include a notification timeline in the Findings of Fact.

The Board held discussion of proposed rules 36.47 and 36.48 to the second day.

The Board discussed final promulgation of 36.49. Mr. Ashby made a motion to approve the revised rule (which places the new language in to 36.25, forgoing the need to great a different series); Mr. Russell seconded. The motion then carried.

Mr. Hamilton made a motion to wave the five day rule on variance 15-10; Mr. Hapney seconded. The Board discussed variance 15-10. Mr. Hamilton made a motion to approve variance request 15-10 as amended (see attached variance); Mr. Ashby seconded. The motion then carried.

2<sup>nd</sup> Day –

Mr. Preservati briefed the board regarding 36.27.14.

Mr. Russell made a motion directing the administrator to file the rule if the rule which is promulgated by WVDEP is not substantively changed from the agreed upon rule and that the Board rule is to be filed with an amended date to reflect an effective date set by the WVDEP rule all of which is to be decided upon execution of the MOU. Mr. Hapney seconded; the motion carried.

The Board held over 36.47 and 36.48 until the next board meeting.

Mr. Russell made a motion to approve variances 6,7,8-2010; Mr. Hamilton seconded. The motion then carried.

Mr. Russell made a motion to approve variances 03m,04m,05,m-2010; Mr. Hapney seconded. The motion then carried.

Mr. Hamilton made a motion to approve variance 21-10 as amended (See attached); Mr. Trout seconded the motion. The motion then carried.

Mr. Hamilton alerted the Board to the Training Board's review of truck driver certification.

Mr. Hamilton discussed the issue of Deep Cut Mining.

The next board meeting was set for April 20<sup>th</sup> and 21<sup>st</sup> at 1pm and 9am respectively.

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