



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
19 November – 10:00am
20 Novemeber – 08:00am

Minutes

Members Present:

Chris Hamilton*
Charles Russell
Dave Ashby

Gary Trout
Ted Hapney
Carl Egnor

Chairman Ron Wooten, presiding
Administrator was present
*Mr. Hamilton was absent the first day

Guests:

C.A. Philips
Fred Tucker
Jama Jarret
Gretchen Murphey, AG

Terry Farley
Ken Ward, Jr.
Family Members of Mr. Gray

The Board heard the report from the Office of Miner’s Health, Safety and Training given by Mr. Steve Synder and Mr. Garry Wolfe gave the report.

The Administrator noted that there had been no change from the previous meeting in regards to updates on the Oil and Gas Wells rule.

The Director presented to the Board two proposed rules from his office for discussion by the Board. The Board directed the Administrator to work with the Board’s Attorney in preparing the rules.

The Board directed the Administrator to work with the Board’s Attorney regarding proposed belt conveyor rules and to contact MSHA to see if any future changes are expect in the Federal Law which might conflict with the State Rules.

The Sub-Committee Report that they have met several times on proposed rules

The Administrator gave an update on the Diesel Equipment Commission.

The Board's Sub-Committee which investigated the a variance in regards to the TRC, recommended to the TRC several changes on variances 57-09, 58-09, and 59-09.

The Board recessed.

2nd Day –

A voting quorum was established.

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

Mr. Russell made a motion to open an investigation into the fatal accident of Mark Gray and directed the Administrator to obtain the Medical Examiner's report; Mr. Hamilton seconded. The motion then carried.

Mr. Tucker gave the TRC report (see attached)

- Mr. Hapney made a motion to approve petition 25-09; Mr. Hamilton seconded. The motion then carried.
- Mr. Ashby made a motion to approve petition 43-09; Mr. Trout seconded. The motion then carried.
- Mr. Ashby made a motion to approve petition 49-09; Mr. Trout seconded. The motion then carried.
- Mr. Ashby made a motion to waive the 5-day rule for variances; Mr. Trout seconded.
- Mr. Hapney made a motion to approve petitions 57-09, 58-09, and 59-09; Mr. Egnor seconded. The motion then carried.
- Mr. Hamilton made a motion to approve 09M-09; Mr. Ashby seconded. The motion then carried.

The Board set the next meeting date for 21 and 22 December at 11am in Charleston, WV.

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