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**VIRGINIA COAL MINE SAFETY BOARD**

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**Department of Mines, Minerals, and Energy  
Thursday – August 12, 2004 - 9:00 A.M.**



## MINUTES

### VIRGINIA COAL MINE SAFETY BOARD

#### **MEMBERS PRESENT:**

- Danny Sparks
- Foster Tankersley
- David Berry
- Patti Church
- William Kiser
- Roy Jessee
- Ernest Benko
- Max Kennedy, Jr.

#### **MEMBERS ABSENT:**

- Richard Waddell

#### **OTHERS PRESENT:**

- Benny Wampler, Deputy Director, Department of Mines, Minerals and Energy
- Frank A. Linkous, Chief, Division of Mines
- Steve Walz, Director of Administration, Department of Mines, Minerals and Energy
- Dawn Bays, Administrative Program Specialist, Division of Mines
- Sharon Pigeon, Asst. Attorney General

#### **Meeting Called To Order:**

Meeting was called to order by Chairman, Foster Tankersley. Eight of the nine members were present.

Chairman Foster Tankersley presented for approval the minutes from the previous meeting of April 14, 2004. Motion was made by William Kiser to approve the minutes and David Berry seconded the motion and the board minutes were approved.

Chairman Foster Tankersley explained the purpose for the called meeting and asked Frank Linkous to review with the Board the proposed amendments to the Virginia Coal Mine Safety Act.

#### **Review of Proposed Amendments to the Coal Mine Safety Act:**

Frank Linkous asked the Board to provide input and suggestions for consideration in developing a draft of the proposed amendments. Each section of the Act that included amendments was reviewed. The Board comments were noted for consideration in drafting the DMME's final proposed amendments. The following sections of the Act were discussed:

**45.1-161-33 B** – Consider adding the word “promptly” when notifying the Board of Coal Mining Examiners of actions by another state. The Board also discussed the penalty for noncompliance. The penalty for noncompliance under this section is the same as for all general sections under the Mine Safety Act.

**45.1-161-62 B** – A question was raised concerning applicants that do not speak English. This is an issue that is being considered with other agencies. At this time it is not practical to change this section of the Act.

**45.1-161.64 B, item #7** – A comment was submitted and read by a Board member regarding this requirement. It is not always possible to have information about the location of all water pools. The regulation recognizes this limitation by asking for all pools that are “known or should have known”.

**45.1-161.64 C, item # 4** – A comment was read by a Board member regarding adding the word “known” to “All drill holes”.

**45.1-161.64 D** – A question was raised whether the 1 to 5,000 part accuracy is appropriate for underground mines. After discussion of the surveying conditions underground, it was agreed 1:5,000 was appropriate.

**45.1-161.64 G** – There was a discussion whether natural gas gathering pipelines must be surveyed to meet the accuracy standards of the surface maps. It was agreed that surveying these lines is not required. They need to be marked in relation to other known features on the map.

**45.1-161.80** – The Board discussed why investigation interviews were not videotaped. It was explained that interviews were done jointly with the Mine Safety and Health Administration, which did not videotape. Additionally, it is found that interviewees typically are more comfortable and will provide more complete information without videotaping.

**45.1-161.83** – The Board discussed the need for state inspectors to review MSHA inspection reports and examination records before starting a state inspection. It was pointed out that reviewing the MSHA inspection reports helped state inspectors identify problem areas to focus on during the state inspection.

**45.1-161.18 C** – Questions about where the mining-through plan must be kept underground were raised. It was agreed that the plan could be kept underground in similar locations to other plans kept underground, such as the roof control plan. These are often kept in a box near the power supply.

**45.1-124 E** – A question was raised about who would provide training to miners on pump operation and maintenance. It was agreed that the operator would be responsible to provide this training, and that it could be provided as on-the-job training.

**45.1-161.175 B** – Mr. Linkous discussed what “reflective” materials would include. He presented a sample of reflective suspenders and discussed the minimal cost in purchasing these.

**45.1-161.176** – A Board member asked who determines the noise levels in a mine under the noise regulation. It was described that the mine operator is required to take noise measurements under the federal regulations.

**45.1-161.186 F** – Suggestion to add “lid switches” to this section.

**45.1-161.212 F** – A question was raised whether the words “higher rank” could be replaced to read “another person with authority” when addressing countersigning requirements. DMME agreed to review the countersigning requirements to see if different language would allow the operator to assign another person with similar authority in a supervisor’s absence to countersign the reports.

**45.1-161.233.1** – It was asked if the statement about moving equipment to a safe location in order to make necessary repairs would allow movement to take a piece of equipment out of service. This language may need to be modified to account for this practice.

**45.1-221.1 Definitions** – Under the definition of “Dam”, a question was raised regarding the five foot restriction. Should it be changed to 20 feet? Consensus was that the 5 foot standard is the same standard used by MSHA and we should be consistent.

**45.1-222** – Discussion on how many packages this requirement is referring to. Mr. Wampler felt it is referring to one package being submitted to the Department with two letters (one to DM and one to DMLR). As suggestion was made to change the wording “to be submitted to the Chief” to “submitted to the Department”.

Mr. Linkous explained the next step of getting these amendments reviewed by the Attorney General’s office. Once this review is complete, the final document will be presented for consideration in the next Legislative Session.

### **Adjournment:**

Upon a motion made and seconded, the meeting adjourned.

Respectfully submitted,

Dawn Bays  
Secretary